

**Metcalf Energy Center  
99-AFC-2**

**Monthly Compliance Report #1  
September 24– October 31, 2001**

**1. Project construction status**

The project owner received CEC authorization to begin pre-construction site mobilization and ground disturbance activities on October 12, 2001. Site mobilization has not occurred due to pending issuance of permits by the City of San Jose to construct access roads into the MEC site.

In preparation for site mobilization, a site clean up was conducted to remove debris at the project site. In addition, a silt fence was installed at the line of the riparian corridor and ground squirrel burrows were probed to identify and relocate California red-legged frogs and California tiger salamanders prior to burrow destruction.

Activities planned for next month:

A clean up of Fisher Creek and Tulare Hill is expected to begin November 1, 2001 and should continue for approximately 10 days.

The completion of the Blanchard Road/Monterey Road intersection and the ramp that will run parallel to Monterey Road and north of Blanchard Road is expected to begin in November. Construction duration will last approximately 6 weeks.

**2. Documents required to be submitted with Monthly Compliance Report**

GEN-6	Copies of CBO approval of special inspectors are attached.
AQ-48	Summary of monthly activities related to the Fugitive Dust Control Plan is attached.
BIO-2	Summary of Designated Biologist's written records is attached (pre-mobilization report).
BIO-6	No training was conducted.
CUL-5	No training was conducted.
CUL-7	A construction schedule has not been finalized.
CUL-8	A summary report is attached.
PAL-3	No training was conducted.
PAL-4	No paleo activities have occurred.
LAND-1	There is no update on trail developments.
NOISE-7	Statement is attached.
SOCIO-1	List of planned procurement of materials and hiring outside the local regional area is attached.

**3. Compliance matrix**

A copy of the Compliance Matrix is attached. The matrix includes the status of pre-mobilization and pre-construction Conditions of Certification.

**4. Conditions that have been satisfied during (or prior to) the reporting period**

AQ-48	Fugitive Dust Control Plan submitted and approved.
AQ-52	Construction Mitigation Manager and Construction Equipment Mitigation Plan submitted and approved.
WASTE-3	Construction Waste Management Plan submitted and approved.
WASTE-4	Professional Engineers and Geologists submitted and approved.
WASTE-8	CPM notified of removal of site debris.
LAND-3	Site Setback drawing submitted and approved.
LAND-5	Draft Restrictive Covenant and Easement Agreement submitted. A final Restrictive Covenant and Easement will be submitted to the CPM upon closing of the land deal with the Passantino family.
LAND-6	Notification of application of protective measures to laydown area.
TRANS-4	Crossing Agreement with UPRR submitted and approved.
TRANS-5	Construction Traffic Control Plan submitted and approved.
TRANS-6	Video and photographs submitted and approved.
TRANS-7	Parking and Staging Plan submitted and approved.
NOISE-1	Notification letter submitted and approved.
NOISE-3	Noise control program submitted and approved.
CUL-1	Designated cultural resource specialist submitted and approved.
CUL-2	Maps and drawings submitted and approved.
CUL-6	Authority to halt construction submitted and approved.
CUL-16	Agreement with Native American monitor submitted and approved.
SOCIO-1	Hiring and procurement requirements submitted and approved.
BIO-1	Designated biologist submitted and approved.
BIO-4	BRMIMP submitted and approved.
BIO-5	Riparian Restoration Plan submitted and approved.
BIO-8	Biological Opinion submitted and approved.
BIO-11	Habitat Management and Monitoring Plan submitted and approved.
BIO-13	Pre-mobilization report submitted and approved.
PAL-1	Designated paleontological resource specialist submitted and approved.
PAL-2	PRMMP submitted and approved.
PAL-3	Training program submitted and approved.
GEN-2	Master Drawing List submitted and approved.

GEN-4	Resident engineer submitted and approved.
GEN-5	Engineers submitted and approved.
SOIL/WATER-2	SWPPP submitted and approved for project site.
SOIL/WATER-3	Erosion Control and Revegetation Plan submitted and approved for project site.
SOIL/WATER-9	Agreement with SBWR submitted and approved.
MILESTONES	Milestones were submitted.

**5. Submittal deadlines not met**

There are no outstanding pre-mobilization submittals.

**6. Approved COC changes**

To date, there have been no approved changes to the Conditions of Certification.

**7. Filings or permits with other agencies**

- Tree removal permit (File-No. TR01-07-095) received September 28, 2001 from the City of San Jose Department of Planning, Building and Code Enforcement.
- Permit (No. 01438) from the Santa Clara Valley Water District received May 2, 2001 to remove debris from the project site adjacent to Fisher Creek.
- Permit (No. 01471) from the Santa Clara Valley Water District received August 16, 2001 to install silt fencing along riparian corridor boundary and inspect and excavate ground squirrel burrows after inspection for presence of California red-legged frogs and California tiger salamander. No California red-legged frogs or California tiger salamanders were discovered during the inspection.
- Permit (No. 01480) from the Santa Clara Valley Water District received October 11, 2001 to perform the following activities within 25 feet from the drip line of riparian trees or top of bank: install construction fencing and silt fencing; operate and temporarily store construction equipment; temporarily store construction materials; remove construction and silt fences upon completion of construction.
- Section 1603 Lake and Streambed Alteration Agreement (No. R3-2001-0690) received October 11, 2001 to conduct a clean up of Fisher Creek.

**8. Projection of project compliance activities for next two months (Nov. – Dec.)**

AQ-40	Demonstrate valid emission reduction credits
AQ-41 and 51	Surrender emission reduction credits
AQ-48	Will follow dust mitigation measures
AQ-49 and 50	Dust will be monitored and activities recorded
NOISE-1	A sign with the telephone number (hotline) will be posted at the site
CUL-5	Training will be provided as needed
CUL-8	Cultural specialist will perform required duties when necessary
CUL-9	Cultural specialist will perform required duties when necessary

BIO-2	Biologist will performed required duties when necessary
BIO-6	Training will be provided as needed
BIO-7	Submittal of permit application to Department of Fish and Game to install stormwater outfall
BIO-9	Submittal of permit application to U.S. Army Corps of Engineers to install stormwater outfall
SOIL/WATER-7	Submittal of permit application to Regional Water Quality Control Board to install stormwater outfall
PAL-3	Training will be provided as needed
PAL-4	Paleo specialist will perform required duties when necessary
WASTE-6	Hazardous Materials Clearance Form will be submitted to Santa Clara County

**9. Additions to on-site compliance file**

None

**10. Requests to dispose of items**

None

**11. Listing of complaints, notices of violations, official warnings, and citations**

Attached

**12. List of facility design submittals to CBO**

Please see attached CBO matrix for detailed submittal list.

## **KEY EVENTS LIST**

**METCALF ENERGY CENTER  
MONTHLY COMPLIANCE REPORT #1**

## KEY EVENTS LIST

**PROJECT:** Metcalf Energy Center **DATE ENTERED:** November 14, 2001

**DOCKET #:** 99-AFC-3 **PROJECT MANAGER:** Nick LaPorte

Event Description	Date Assigned
Date of Certification	September 24, 2001
Start Rough Grading	May 3, 2002
Complete Rough Grading	August 1, 2002
Start of Construction	November 4, 2002
Completion of Construction	January 5, 2004
Start of Operation (1 <sup>st</sup> Turbine Roll)	May 3, 2004
Start of Rainy Season	Mid-October
End of Rainy Season	Mid-March
Start T/L Construction	January 13, 2003
Complete T/L Construction	November 14, 2003
Start Fuel Supply Line Construction	September 3, 2002
Complete Fuel Supply Line Construction	September 5, 2003
Start of Water Supply Line Construction	April 1, 2002
Completion of Water Supply Line Construction	November 1, 2002
Start Implementation of Erosion Control Measures	May 3, 2002
Complete Implementation of Erosion Control Measures	June 1, 2004

**CONDITION OF CERTIFICATION GEN-6**

**METCALF ENERGY CENTER  
MONTHLY COMPLIANCE REPORT #1**



October 8, 2001

Mr. Nick LaPorte  
Project Manager  
Metcalf Energy Center  
4160 Dublin Blvd.  
Dublin, CA 94568

Subject: Metcalf Energy Center  
Condition of Certification: GEN-6  
Bechtel Project Job Number: 24193  
Letter Number: 24193-000-T01-GAMC-00037

Dear Nick:

This is a notification that the resume' of Mr. David Gray, Inspector for Siemens-Westinghouse, that was submitted to CBO was approved on September 28, 2001.

If you have any questions regarding this submittal, or require any additional information, please feel free to contact me at 301-228-8004.

Regards,

  
Nat Sadownik  
Project Manager

Enclosure: Memo from Willdan, dated September 28, 2001

NS/BTR/km

cc: S. DeYoung (Calpine), w/1  
K. Sipes (Calpine), w/o  
J. Kimura (Calpine), w/o  
F. Frazer (Calpine) w/o  
K. Rowett (Calpine), w/o  
P. Paolucci, (Calpine), w/1  
T. Arzenti, w/1





## INTEROFFICE MEMO

**Date:** 09/28/01  
**To:** Dave Newman  
**From:** Hans Kosten  
**Subject:** Bechtel Letter Number: 24193-000-T01-00013-GEGX-00008  
**Re:** Inspector for Siemens Westinghouse, Mr. David Gray

In accordance with the Condition of Certification, GEN-6, the qualifications of Mr. David Gray have been approved for the Certifications as follows:

- ICBO Special Inspector-Structural Steel # 0845423-83
- AWS QC1 Certified Welding Inspection- # 89060771
- ACI Concrete Field Testing Technician-Grade I
- SNT-TC-1a Ultrasonic Testing

Mr. Gray's qualifications do not demonstrate proficiency with inspections required per ASME -Boiler and Pressure Vessel Code, section VIII and IX, and/or ANSI Power Piping Code B31.1, for high pressure, high temperature, high alloy steam piping. If the cross-over steam pipe between the Intermediate and Low Pressure Steam Turbine is supplied by Siemens Westinghouse, qualification and experience for the inspector shall be submitted.

-End-



October 15, 2001

~~6~~  
Mr. Nick LaPorte  
Project Manager  
Metcalf Energy Center  
4160 Dublin Blvd.  
Dublin, CA 94568


Subject: Metcalf Energy Center  
Condition of Certification: GEN-6  
Bechtel Project Job Number: 24193  
Letter Number: 24193-000-T01-GAMC-00047

Dear Nick:

This is a notification that the resumes of Mr. John Edwin Nelson and Mr. Roman M. Reyes, Special Inspection Civil Engineers, that were submitted to CBO were approved on September 28, 2001.

If you have any questions regarding this submittal, or require any additional information, please feel free to contact me at 301-228-8004.

Regards,

  
Nat Sadownik  
Project Manager

Enclosure: Memo from Willdan, dated September 28, 2001

NS/BTR/km

cc: S. DeYoung (Calpine), w/1  
K. Sipes (Calpine), w/o  
J. Kimura (Calpine), w/o  
F. Frazer (Calpine) w/o  
K. Rowett (Calpine), w/o

**MELTON, KIMBERLY**

**FROM: DAVID NEWMAN [DNEWMAN@WILLDAN.COM]**  
**SENT: TUESDAY, OCTOBER 09, 2001 12:09 PM**  
**TO: MELTON, KIMBERLY; RITTER, BRUCE**  
**CC: HANS KOSTEN; DON WIMBERLY; JIM GUERRA**  
**SUBJECT: 132541008 NELSON AND REYES1APP.DOC**

### **INTEROFFICE MEMO**

**Date:** 09/28/02  
**To:** Kimberly Melton, Bruce Ritter  
**From:** Hans Kosten, David Newman  
**Subject:** Willdan Plan Review Number 13254-1008  
**Re:** MEC, Field Engineers and Special Inspectors

In accordance with the Condition of Certification, GEN-6 of the CONDITIONS OF CERTIFICATION, the qualifications of

Mr. John Edwin Nelson, and  
Mr. Roman M. Reyes

have been approved for the SPECIAL INSPECTION in accordance with GEN-6, with the following notation:

A certified weld inspector, certified by the American Welding Society (AWS), and/or American Society of Mechanical Engineers (ASME) as applicable, shall inspect welding performed on-site requiring special inspection (including structural, piping, tanks and pressure vessels)

In future resume submittals, please be specific in the cover letter as to the type of special inspection each individual is to be qualified for.

Call David Newman at (916) 924-7000 with questions. Thank you.

**CONDITION OF CERTIFICATION BIO-2**

**METCALF ENERGY CENTER  
MONTHLY COMPLIANCE REPORT #1**

**METCALF ENERGY CENTER  
BIOLOGICAL MITIGATION MONITORING**

**Summary from Designated Biologist, October 2001**

There were no construction activities associated with the Metcalf Energy Center (MEC) during October, 2001.

Site activity was limited to a meeting with Kristen Sipes (Calpine), Art Gonzales (Calpine) and a potential contractor (EBI) concerning the scope of work associated with clean-up of the MEC Ecological Preserve. The Biological Monitor and Co-Designated Biologist remained onsite to begin clean-up of the sensitive spring-fed wetland areas on Tulare Hill.

Conditions of Certification BIO-5 and BIO-13 were finalized in October.

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**Biological Resources**  
**Mitigation Monitoring for the**  
**Metcalf Energy Center**

**MONTHLY COMPLIANCE REPORT #1**

**October 2001**

**Prepared by:**

**CH2M HILL**

**2485 Natomas Park Drive, Suite 600**

**Sacramento, California 95833**

# **Biological Resources Mitigation Monitoring for the Metcalf Energy Center**

## **Monthly Compliance Report-October 2001**

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- C     Daily Logs

# METCALF ENERGY CENTER

## MONTHLY COMPLIANCE REPORT

October 2001

### INTRODUCTION

The proposed Metcalf Energy Center (MEC) site is located in the Santa Clara Valley within the Urban Service Area of south San Jose. The MEC will be a 600-megawatt natural-gas-fired combined cycle power plant with the following features:

- A 230-kilovolt (kV) switchyard and approximately 240 feet of new 230-kV transmission line that will loop into the existing Pacific Gas and Electric (PG&E) 230-kV Metcalf-Monta Vista No. 4 transmission tower on Tulare Hill.
- An approximately one mile, 16-inch natural gas pipeline that will connect to an existing PG&E transmission backbone pipeline that runs along the eastern side of U.S. 101.
- An approximately 10.2-mile water pipeline from a tap into the South Bay Water Recycling Program's (SBWR) existing main pipeline in eastern San Jose to supply cooling water.
- An approximately 1.2-mile water pipeline will supply domestic and backup water supplies.
- A stormwater detention basin and discharge outfall structure into Fisher Creek.
- A new access road from the Monterey Road/Blanchard Road junction to the MEC site. The access road will include a visual screening and landscape corridor requiring 6 acres of agricultural land.
- A second access road (west access road) may extend from Santa Teresa Boulevard to the MEC site, requiring 2.0 acre of agricultural land.
- A temporary 10-acre construction laydown area would be located in agricultural land immediately adjacent to and south of the MEC site.

The project was designed to avoid significant negative impacts to sensitive biological resources to the furthest extent feasible. Mitigation measures were developed through consultation with the U. S. Fish and Wildlife Service, U. S. Army Corps of Engineers, National Marine Fisheries Service, California Department of Fish and Game, and Water Quality Control Board to minimize unavoidable project impacts. Permits and authorizations from these agencies included conditions that must be monitored by the Designated Biologist. The Biological Monitor will be present onsite during all phases of construction to ensure compliance with the mitigation measures outlined in the *Biological Resources Mitigation Implementation and Monitoring Plan*. The following report includes all MEC project activities monitored during October 2001.



## MONITORED MITIGATION MEASURES

A Worker Environmental Awareness Training (WEAT) program has been developed exclusively for the MEC project. Program materials include a handbook, video, and poster. During October, additional edits and revisions were performed on the WEAT materials in anticipation of site mobilization. The WEAT is being completed as required by BIO-6 of the "Conditions of Certification" (COC) from the CEC *Commission Decision*.

COC BIO-5 requires provisions associated with the restoration of the Fisher Creek riparian corridor. Restoration and enhancement of the corridor includes cleanup of the creek and proposed enhancement areas at the base of Tulare Hill. These activities will require work in and around Fisher Creek. Therefore, in accordance with COC BIO-7, a Streambed Alteration Application was filed with the California Department of Fish and Game. The resulting Streambed Alteration Agreement for the proposed cleanup activities was issued on October 11, 2001.

In compliance with COC BIO-13, biologists examined the cleanup areas in anticipation of November 2001 cleanup activities.

No construction or contractor work was performed in October. The Monitor was available throughout the month to respond to biological issues as needed. October activities are described below.

## SUMMARY OF ACTIVITIES

This report includes project activities that took place during October 2001, excluding October 1<sup>st</sup> through 5<sup>th</sup>. Activities taking place between October 1<sup>st</sup> and 5<sup>th</sup> were included in the previously submitted *Pre-Mobilization Report*. October activities included preparation for the cleanup of Fisher Creek and the Tulare Hill portions of the Metcalf Ecological Preserve, as well as general site maintenance. These activities are described below. Relevant photographs are included in Attachment A. A cumulative wildlife species list is included in Attachment B. Copies of the Biological Monitor's daily logs are included in Attachment C.

### Metcalf Ecological Preserve Cleanup Preparation

The Metcalf Ecological Preserve includes portions of Fisher Creek and the southeastern slope of Tulare Hill. Due to past land uses, human debris, such as wood and metal scraps, are found scattered throughout these Preserve areas.

The Designated Biologist (John Cleckler) and Biological Monitor (Todd Ellwood) meet with Kristen Sipes (Calpine, MEC Compliance Manager), Art Gonzales (Calpine), and potential contractor, Evans Brothers Inc. (EBI) on October 22, 2001 to discuss the scope of the cleanup work. The purpose of the meeting was to provide EBI with sufficient information to present Calpine with a work bid. The meeting also provided Art Gonzales with information to present to other potential contractors.

Following the meeting, the Designated Biologist and Biological Monitor proceeded to dismantle the spring diversion apparatus on Tulare Hill. Retention barrels and piping were removed. These activities were performed by the biologists due to the sensitive nature of the spring habitat. The work was performed with attention to avoiding potential amphibian species. Arboreal salamanders (*Aneides lugubris*) and Pacific tree frogs (*Hyla regilla*) were observed under removed materials and natural cover (rocks and fallen wood). Exposed individuals were moved to other nearby cover sites within the spring. Foreign debris was removed from the spring area, associated drainage, and ephemeral wetland. The debris was stockpiled outside these sensitive resource areas. Representative photographs of the cleanup activities are included in Attachment A.

The Biological Monitor returned to the Preserve on October 24<sup>th</sup> and 25<sup>th</sup>, 2001 to continue removing foreign debris from these sensitive resource areas. This stockpiling prevents the need for contract laborers to enter these areas and potentially harming associated wildlife species when performing cleanup activities.

### **Maintenance**

The Biological Monitor also performed maintenance activities on the MEC site on October 25, 2001. The Monitor inspected the integrity of the surrounding silt fence and collapsed ground squirrel burrows that had been re-opened since the initial biological clearance of the site. A breach in the silt fence was found in the southwest corner of the site. The fence appeared to have been breached by a 2-wheeled off-road vehicle. Numerous ground squirrel burrows had been opened and required excavation in order to discourage use by sensitive amphibian species.

No special status wildlife species were observed during October site activities. However, numerous common species were observed. An accumulative wildlife species list is included in Attachment B.

## **GENERAL NOTES AND OBSERVATIONS**

Fisher Creek and the spring areas of Tulare Hill provide important localized and limited habitat for various plant and wildlife species. These areas continue to be utilized by wintering and migrating bird species. Biological monitoring will be a priority during the cleanup of these areas.

As evidenced by the break in the silt fence, trespassing is likely to be a problem site until the more secure chain-link perimeter fence is installed. Off-road enthusiast and hunters may present a threat to wildlife species within the Ecological Preserve.



**Tulare Hill Spring Diversion Apparatus Prior to Dismantling**



**Tulare Hill Spring After Dismantling of the Diversion Apparatus**

## **ATTACHMENT B**

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Cumulative Wildlife Species Observed In or Near the  
Metcalf Energy Center Project and Linear Facilities Area  
(2001)

**Cumulative Wildlife Species Observed In or Near the Metcalf Energy Center Project  
and Linear Facilities Area (May 2001 to October 31, 2001)**

COMMON NAME	SCIENTIFIC NAME	LOCATION
<b>INSECTS</b>		
Cabbage white butterfly	<i>Pieris rapae</i>	EC
Buckeye butterfly	<i>Precis coenia</i>	TH
Painted lady butterfly	<i>Vanessa cardui</i>	EC
<b>AMPHIBIANS AND REPTILES</b>		
Arboreal salamander	<i>Aneides lugubris</i>	TH
Pacific tree frog	<i>Hyla regilla</i>	TH
Western fence lizard	<i>Sceloporus occidentalis</i>	EC
Side-blotched lizard	<i>Uta stansburiana</i>	EC
Southern alligator lizard	<i>Elgaria multicarinata</i>	EC
Gopher snake	<i>Pituophis melanoleucus</i>	EC
<b>BIRDS</b>		
Double-crested cormorant	<i>Phalacrocorax auritus</i>	CC*
Great blue heron	<i>Ardea heroides</i>	FC
Canada goose	<i>Branta canadensis</i>	EC*
Mallard	<i>Anas platyrhynchos</i>	FC
Wood duck	<i>Aix sponsa</i>	FC
Killdeer	<i>Charadrius vociferus</i>	LA, LEA*
Turkey vulture	<i>Cathartes aura</i>	EC*, TH
Golden eagle	<i>Aquila chrysaetos</i>	TH
Osprey	<i>Pandion heliaetus</i>	CC*
Cooper's hawk	<i>Accipiter cooperii</i>	CC, EC*, FC
Red-shouldered hawk	<i>Buteo lineatus</i>	EC, FC
Red-tailed hawk	<i>Buteo jamaicensis</i>	EC, FC, GP, TH, TL
American kestrel	<i>Falco sparverius</i>	EC, TH
Mourning dove	<i>Zenaida macroura</i>	EC, FC, TH, TL
Hummingbird sp.		EC, TH
Belted kingfisher	<i>Ceryle alcyon</i>	FC
Northern flicker	<i>Colaptes auratus</i>	EC, FC
Nuttall's woodpecker	<i>Picoides nuttallii</i>	FC
Downy woodpecker	<i>Picoides pubescens</i>	EC, FC
Black phoebe	<i>Sayornis nigricans</i>	EC, FC, TL, LEA
Say's phoebe	<i>Sayornis saya</i>	LEA
Western scrub-jay	<i>Aphelocoma californica</i>	EC, FC, LEA
Common raven	<i>Corvus corax</i>	EC, TH, FC
Oak titmouse	<i>Baeolophus inornatus</i>	FC
Bushtit	<i>Psaltiriparus minimus</i>	EC, FC, GP, TL
White-breasted nuthatch	<i>Sitta carolinensis</i>	FC

**Cumulative Wildlife Species Observed In or Near the Metcalf Energy Center Project  
and Linear Facilities Area (May 2001 to October 31, 2001) (Continued)**

COMMON NAME	SCIENTIFIC NAME	LOCATION
<b>BIRDS (continued)</b>		
Bewick's wren	<i>Thryomanes bewickii</i>	FC, TH
Rock wren	<i>Salpinctes obsoletus</i>	FC, TH
Northern mockingbird	<i>Mimus polyglottos</i>	EC
European starling	<i>Strunus vulgaris</i>	LEA, FC, EC
California towhee	<i>Pipilo crissalis</i>	EC
White-crowned sparrow	<i>Zonotrichia leucophrys</i>	EC
Song sparrow	<i>Melospiza melodia</i>	EC, LA, LEA
Western meadowlark	<i>Sturnella neglecta</i>	EC, LA
Red-winged blackbird	<i>Agelaius phoeniceus</i>	FC
Brewer's blackbird	<i>Euphagus cyanocephalus</i>	FC
House finch	<i>Carpodacus mexicanus</i>	EC
American goldfinch	<i>Carduelis tristis</i>	LEA
Lesser goldfinch	<i>Carduelis psaltria</i>	EC, FC
House sparrow	<i>Passer domesticus</i>	EC, FC
<b>MAMMALS</b>		
Opossum	<i>Didelphis marsupialis</i>	EC
Coyote	<i>Canis latrans</i>	TH
Feral cat	<i>Felis catus</i>	EC
California ground squirrel	<i>Spermophilus beechyi</i>	EC, FC, TH, TL
Western gray squirrel	<i>Sciurus griseus</i>	FC
Unidentified mouse	<i>Peromyscus spp.</i>	TH
Norway Rat	<i>Rattus norvegicus</i>	EC
Black-tailed jackrabbit	<i>Lepus californicus</i>	EC
Mule deer	<i>Odocoileus hemionus</i>	FC, GP

**Location: Observed**

CC = Coyote Creek Riparian Corridor

EC = Metcalf Energy Center Plant Site

FC = Fisher Creek Riparian Corridor

GP = Gas Pipe Line Corridor

LA = Laydown Area

TH = Tulare Hill Ecological Preserve

TL = Transmission Line Corridor

WL = Water Line Corridor

LEA = Proposed laydown expansion area

Notes:

\* Flyover or otherwise not utilizing area resources.

**DAILY LOG**  
**Biological Resources Mitigation Monitoring**  
**Metcalf Energy Center**

PROJECT Metcalf Energy Center (MEC)  
LOCATION Santa Clara County, CA

Date 9/25/01 Name Todd Ellwood  
Weather Clear skies; Temperature: Hi 70's  
Nature of Work Burrow recon. @ Footprint site and laydown area  
Hours worked \_\_\_\_\_  
Contractor CH2M Hill  
Field Notes \_\_\_\_\_

I met John Cleckler (Project Biologist) at the MEC site. He is filming the WEAT program with Steve DeYoung (Calpine/Bochtel) and two cultural/paleo specialists (Colin and Lanny). John brought the new "Keep out -- Sensitive Resource" signs which will be attached to the silt fence demarcating the boundary of the Fisher Creek riparian corridor.

My duties today include surveying the footprint and laydown area for open ground squirrel burrows. These burrows were previously surveyed and cleared for California Red-legged frog and California Tiger Salamander. Approximately 50% of the previously cleared burrows needed re-collapse.

After completing the burrow clearance, I took several digital photographs of the "keep out" signs affixed to the silt fence. These photos will be sent via email back to John Cleckler in the Sacramento office.

Signed Todd Ellwood Signed \_\_\_\_\_  
Title Biological Monitor Date 9/25/01

**DAILY LOG**  
**Biological Resources Mitigation Monitoring**  
**Metcalf Energy Center**

PROJECT Metcalf Energy Center  
LOCATION Santa Clara County, CA

Date 10/11/01 Name Todd Ellwood  
Weather Clear skies  
Nature of Work Investigation  
Hours worked —  
Contractor —  
Field Notes

I received a call from John Cleckler expressing concerns that someone allegedly was seen sprinkling a blue substance in each of the burrows found in the laydown area at MEC. Steve DeYoung told John Cleckler that he wanted me to drive down to the site and investigate this.

I arrived at the site approximately 5:04 p.m. to investigate the alleged poisoning. Small blue oats were indeed spotted at approximately 10 burrows located in the laydown area. Also, several burrows found along the western side of the VPRR were poisoned. Digital photos were taken of the poison.

Steve DeYoung requested, if confirmed, that the poison be removed by me. I estimate that approximately 95% of the poison found on the laydown area was removed using a shovel and bucket. I stockpiled the contaminated soil in 3 piles for Art Genzales to remove tomorrow. I continued to remove poison until approx. 7:15 p.m.

The poison along the VPRR corridor was not removed. No poison was located in the facility footprint site.

Signed Todd Ellwood Signed \_\_\_\_\_  
Title Biological Monitor Date 10/11/01



## DAILY LOG (cont.)

PROJECT MEC

Date 10/11/01

Name Todd Ellwood

Page 2

I called John Cleckler at approximately 7:15 p.m. to update him. He requested that I return tomorrow and confirm that the contaminated soil was removed.

**DAILY LOG**  
**Biological Resources Mitigation Monitoring**  
**Metcalf Energy Center**

PROJECT Metcalf Energy Center (MEC)  
LOCATION Santa Clara County, CA

Date 10/12/01 Name Todd Ellwood

Weather Clear Skies

Nature of Work Pesticide removal

Hours worked 3 hours

Contractor —

Field Notes

I assisted Art Gonzales with removing the three piles of contaminated soil that I stockpiled last night. We loaded the soil into his truck to be hauled away off site.

I double-checked the laydown area, the proposed laydown extension area, and the footprint site for polsen contamination. The UPRR corridor remains as the only area contaminated.

Signed Todd Ellwood  
Title Biological Monitor

Signed \_\_\_\_\_  
Date 10/12/01

**DAILY LOG**  
**Biological Resources Mitigation Monitoring**  
**Metcalf Energy Center**

PROJECT Metcalf Energy Center  
 LOCATION Santa Clara County, CA

Date 10/22/01 Name Todd Ellwood

Weather Clear skies; 60's

Nature of Work Creek clean-up bidding

Hours worked \_\_\_\_\_

Contractor EBI

Field Notes

At 11:00 a.m., I met with John Cleckler, Art Gonzales, Kristen Sipes (Compliance Mgr.) and an EBI representative. EBI will be bidding on the creek and Tulare Hill clean-up process. We all walked from the UPRR bridge crossing Fisher Creek west and south to the second clearing south of the wetland area.

EC = Footprint  
 FC = Fisher Creek  
 TH = Tulare Hill  
 LA = Laydown area

Wildlife Observed:

Birds

- \* 2 osprey, over Coyote Creek riparian corridor. 1 with fish caught from Parkway lake.
- \* White-crown sparrow foraging = EC
- \* Woodduck = FC
- \* Oak titmouse = EC
- \* Mourning doves = EC, TH
- \* Killdeer = LA
- \* Lesser goldfinch = EC
- \* Red-tail hawk = TH
- \* Belted kingfisher = FC
- \* Unidentified hawk = EC (possibly Cooper's Hawk)
- \* Rock wren = TH
- \* California ground squirrel = EC, TH
- \* Black tailed jack rabbit = EC
- \* Pacific tree frog = TH (Wetland area)
- \* Arboreal Salamander = TH (Spring)

Mammals

Amph.

John Cleckler and I starting removing some of the debris out from within the Spring and wetland area. This debris will eventually be removed by the clean-up contractor. We found those amphibians noted above under some of the debris.

Signed Todd Ellwood  
 Title Biological Monitor

Signed \_\_\_\_\_  
 Date 10/22/01

## DAILY LOG (cont.)

PROJECT MEC

Date 10/22/01

Name Todd Ellwood

Page 2

We left the frogs and salamanders where they were found and provided additional cover. Several photographs were taken of the specimens.

**DAILY LOG**  
**Biological Resources Mitigation Monitoring**  
**Metcalf Energy Center**

PROJECT Metcalf Energy Center (MEC)  
 LOCATION Santa Clara County, CA

Date 10/24/01

Name Todd Ellwood

Weather clear skies

Nature of Work Pre-cleanup survey

Hours worked 8

Contractor -

Field Notes

Wildlife

Birds

\* Western meadowlark = LA

\* Black phoebe = TH, EC

\* Mourning dove = TH

\* White crowned sparrow = TH

\* Wood duck = EC

\* Red-tail hawk = TH, EC

\* Rock dove = TH (flyby)

\* unident. hummingbird = TH

\* flock of bush tits = EC

\* Common raven = TH

mammals  
amph.  
reptiles  
insect

\* Ca. ground squirrel = TH, EC      Unid. mice = TH (debris)

\* Pacific tree frog = TH (wetland area)

\* unidentified lizard = EC (have a photo)

\* Buckeye butterfly

Today, I performed clearance surveys in the wetland area and along Fisher Creek checking under debris for sensitive species. I removed the debris out of the wetland area in anticipation that cleanup will begin next week. No sensitive wildlife (as expected) was observed today.

I called John Cackler (Project Bio.) to update him on today's activities.

Signed Todd Ellwood  
 Title Biological Monitor

Signed \_\_\_\_\_  
 Date 10/24/01

**DAILY LOG**  
**Biological Resources Mitigation Monitoring**  
**Metcalf Energy Center**

PROJECT Metcalf Energy Center  
LOCATION Santa Clara County, CA

Date 10/25/01 Name Todd Ellwood

Weather Clear skies, High in 70's

Nature of Work Premobilization site clearance

Hours worked 8

Contractor -

Field Notes

Wildlife observed

mammals

\* Black tail jackrabbit = FS

\* California ground squirrel = FS, RC, TH

Birds

\* Bush tit flock = RC

\* Song sparrows foraging = LA

\* House finch = FS

\* White-crowned sparrow (Juvenile) = FS

\* Belted Kingfisher = RC

\* Wood duck (2 ♂) = RC

\* Western scrub jay = RC, FS

\* Northern flicker = RC, FS

\* Black phoebe = RC, FS

Reptiles / Amphibians

\* unidentified lizard = FS

FS = Footprint site

RC = Rip. Corridor

TH = Tulare Hill

LA = Laydown area

Today, I filled all 4 squirrel burrows on the footprint site and laydown area. Art Gonzalez has hired an individual to perform weekly burrow maintenance. Approx. 90% of the surveyed burrows were re-opened prior to today, by the resident population of ground squirrels. I also picked up old flagging material throughout the site including along the riparian corridor.

A section of silt fence has been taken down by someone in the southwest corner of the riparian corridor. Someone used this access into the site to trespass with their motorcycle. A new piece of silt fence will be needed to mend the gap.

Signed

Title Biological Monitor

Signed

Date 10/25/01

## DAILY LOG (cont.)

PROJECT Metcalf Energy CenterDate 10/25/01Name Todd EllwoodPage 2

A section of barbwire fence in that treached area was taken down (during site clean-up) and never re-installed. I restrung that open section of fence. There is ~~some~~ minimal disturbance in the site caused by the motorcycle.

**CONDITION OF CERTIFICATION AQ-48**

**METCALF ENERGY CENTER  
MONTHLY COMPLIANCE REPORT #1**



AQ-48: Summary of monthly activities related to the Fugitive Dust Control Plan

The access road that runs from Blanchard Road north to the project site (and is parallel to Monterey Road) was watered to prevent fugitive dust from leaving the site. The road was watered with a water truck on the following dates:

Date	Frequency
9/30/01	2 times per day
10/10/01	1 time per day
10/11/01	1 time per day
10/12/01	1 time per day
10/14/01	1 time per day
10/15/01	1 time per day
10/16/01	1 time per day
10/17/01	1 time per day
10/18/01	1 time per day
10/19/01	1 time per day
10/21/01	1 time per day
10/22/01	1 time per day
10/24/01	1 time per day
10/28/01	1 time per day

**CONDITION OF CERTIFICATION CUL-8 AND CUL-18**

**METCALF ENERGY CENTER  
MONTHLY COMPLIANCE REPORT #1**

## Metcalfe Energy Project - Archaeological Field Review of Proposed Laydown Area on Pertane Property South of Blanchard Road, City of San Jose, Santa Clara County

TO: Kristen Sipes, Calpine Corporation  
RE: Archaeological Field Review of Proposed Laydown Area as per CUL-18  
FROM: Colin I. Busby  
DATE: 12 November, 2001

### *Introduction*

Please let this memo serve as Basin Research Associates' archaeological field review of the proposed laydown area to be located on the Patane Property immediately south of Blanchard Road, City of San Jose, Santa Clara County. The laydown area will be used for construction activities associated with the Metcalf Energy Center Project (MEC) [Figs. 1-3]. This memo was prepared to meet CUL-18 of the California Energy Commission (CEC) *Conditions of Certification*.

### *Records Review Results*

The survey was undertaken since a review of the available mapping and records from the California Historical Resources Information System, Northwest Information Center (CHRIS/NWIC) could not positively establish if the area had been previously surveyed for archaeological resources either for the MEC project or other previous projects. The records review used data on file at Basin Research Associates for the *Coyote Valley Proposed Improvement District*, the *North Coyote General Plan Amendment* completed by the City of San Jose for the proposed Cisco Systems Coyote Valley Campus to the immediate south of the project and the Metcalf Energy Center Project *Application for Certification* (Chapter 8.3 – Cultural Resources) prepared in 1999 by CH2M Hill staff archaeologists Dr. James Bard and Mr. Robin McClintock. In addition, a recent records search completed for the South Bay Water Recycling Program Silver Creek Pipeline Expansion was reviewed as it covers the project area (CHRIS/NWIC File 01-766; Basin Research Associates 2001).

No recorded archaeological sites are known either for the proposed laydown area or immediately adjacent areas.

A review of historic maps dating from 1857 to the present (Goddard 1857; Healey 1866; Thompson and West 1876; USGS 1917; US War Dept. 1939) indicates that the area has been used for agriculture for the past 125+ years.

### *Location*

The laydown area is bounded on the north by Blanchard Road, on the east by the Union Pacific Railroad tracks and by agricultural land on the west and south (Note: the hamlet of Coyote is east of the railroad tracks and south of Blanchard Road). The laydown area is approximately 1400 feet north-south by 460 feet east-west. The archaeological survey area was approximately 2000 feet north-south by 800 feet east-west to allow for a buffer and to include a review of an

existing water line alignment to Well #23 in the southwest portion of the laydown area (T 8S, R 2E, Unsectioned, USGS Santa Teresa Hills, Calif., 1980 and Morgan Hill, Calif., 1980) [Figs. 1-3].

#### *Proposed Impacts*

The area will be used as a construction laydown area. The area will be graded and graveled to allow the placement of job site trailers, equipment, material inventory and other activities associated with construction. The area will be reclaimed at the completion of construction.

#### *Field Inventory*

The inventory was undertaken by Mr. Stuart A. Guedon, M.A., on October 29, 2001. The property, previously used for squash production, had an approximate surface visibility of 20 percent. The topography is a gently sloping flood plain. Transect interval spacing did not exceed 30 meters.

#### *Results*

No surface indications of prehistoric or historic cultural materials were noted.

#### *Recommendations*

CUL-3(f) of the CEC *Conditions of Certification* requires monitoring during earth-disturbing activities. Archaeological monitoring will be undertaken during surface preparation of the laydown area.

#### *References Reviewed and Cited*

- Anastasio, R.L.  
1986 DRAFT Cultural Resources Survey of North Coyote Valley Assessment District Infrastructure Project Areas, San Jose, Santa Clara County, California. MS on file, S-11912, CHRIS/NWIC; CSU Sonoma, Rohnert Park.
- Anastasio, Rebecca L. and James C. Bard with Donna M. Garaventa, Sondra A. Jarvis and Michael R. Corbett  
1990 Cultural Resources Survey of the North Coyote Valley Improvement District, San Jose, Santa Clara County, California. MS on file, S-17769, CHRIS/NWIC, CSU Sonoma, Rohnert Park.
- Bard, James C. and Robin McClintock  
1999 Chapter 8.3 - Cultural Resources. In Metcalf Energy Center Project *Application for Certification*. Prepared by CH2M Hill (Sacramento) for Calpine Corporation and Bechtel Enterprises Holdings, Inc. On file, California Energy Commission, Sacramento.
- Basin Research Associates  
2001 Cultural Resources Assessment (Positive) Historic Properties Affected or Potentially Affected by the South Bay Water Recycling Program Silver Creek Pipeline Expansion Located in South San Jose, Santa Clara County. On file, Montgomery Watson Americas, San Jose.

Busby, Colin I. (Principal)

1998 Letter Report to Ms. Kathy Kovar, David J. Powers & Associates, 1885 The Alameda, Suite 204, San Jose, CA 95126. Regarding: Cultural Resources Literature and Records Review North Coyote General Plan Amendment Area, City of San Jose and Adjacent Unincorporated Areas, Santa Clara County, California. Dated May 15, 1998. MS on file, S-21548, CHRIS/NWIC, CSU Sonoma, Rohnert Park.

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Hoover, M.B., H.E. Rensch and E.G. Rensch

1966 Historic Spots in California (Third edition). Revised by William N. Abeloe. Stanford University Press, Stanford.

Thompson, A.W.

1857 Plat of the *Rancho La Laguna Seca* including part of Santa Teresa. Finally confirmed to Liberata C. Bull et al Heirs of Wm. Fisher. Surveyed under instructions from the U.S. Surveyor General by A.W. Thompson, Dep[uty] Sur[veyo]r. February 1857. Map on file, #196, Bureau of Land Management, Sacramento. Thompson and West

1876 Historical Atlas of Santa Clara County, California. Thompson and West, San Francisco (reprinted by Smith and McKay, San Jose, 1973).

United States Department of Interior, Geological Survey (USGS)

1917 Morgan Hill [California]. (Quadrangle). Surveyed 1915 Topographic map, 15 minute series. Map on file, United States Geological Survey, Menlo Park (1917 edition). 1980 Morgan Hill, Calif. [Quadrangle]. Topographic map, 7.5' series. Map on file, United States Geological Survey, Menlo Park (1955, photorevised 1980).

United States War Department, Corps of Engineers (US War Dept)

1939 Morgan Hill, Calif. Topographic map, 15 minute series. Army War College, Washington D.C.

## ATTACHMENTS

### FIGURES

- |          |   |
|----------|---|
| Figure 1 | General Project Location  |
| Figure 2 | Project Location (USGS Morgan Hill, Calif. 1980 and USGS Santa Teresa Hills, Calif. 1980) |
| Figure 3 | Archaeological Survey Area With New Laydown Area and Well 23                              |

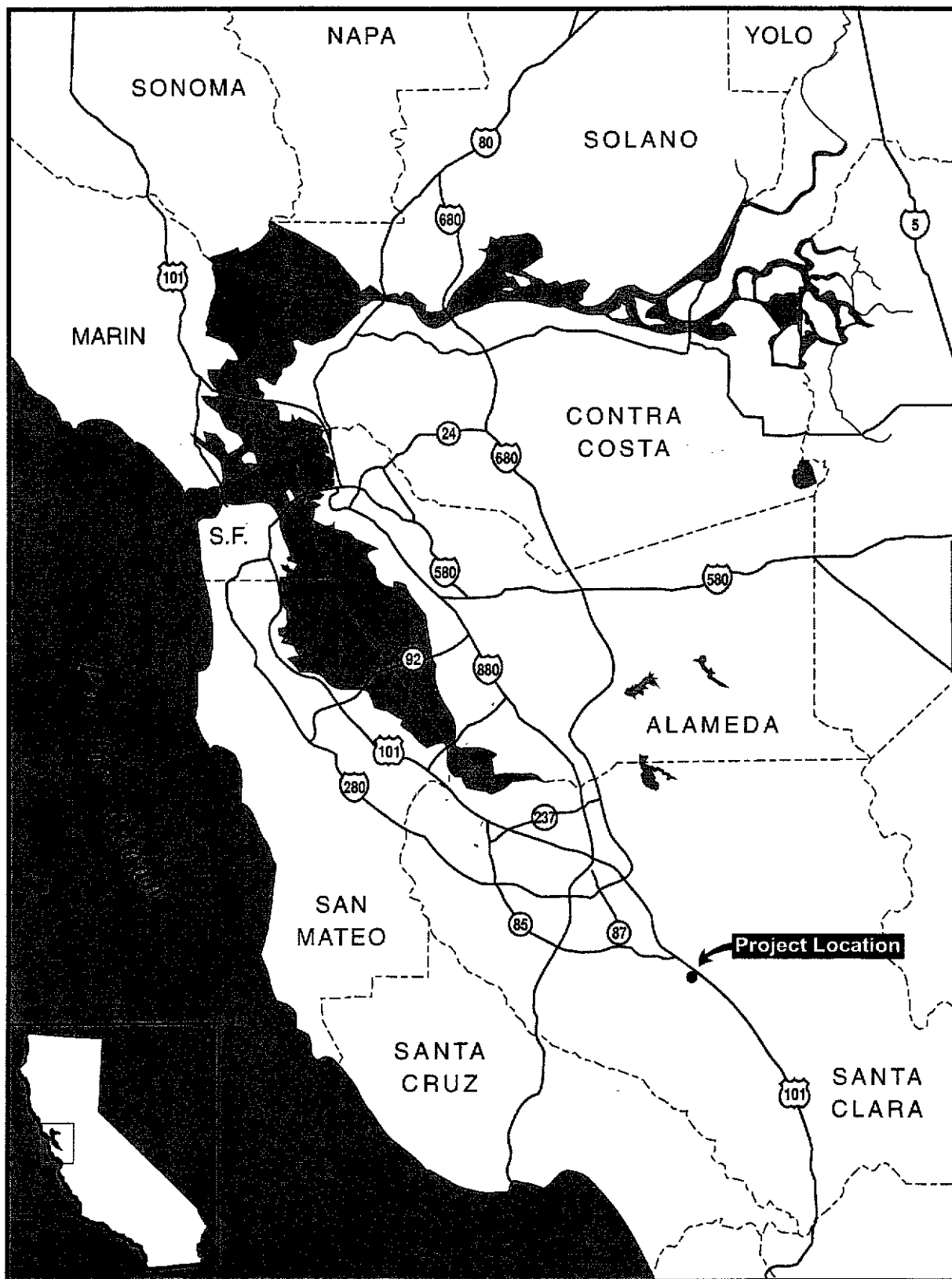


Figure 1: General Project Location

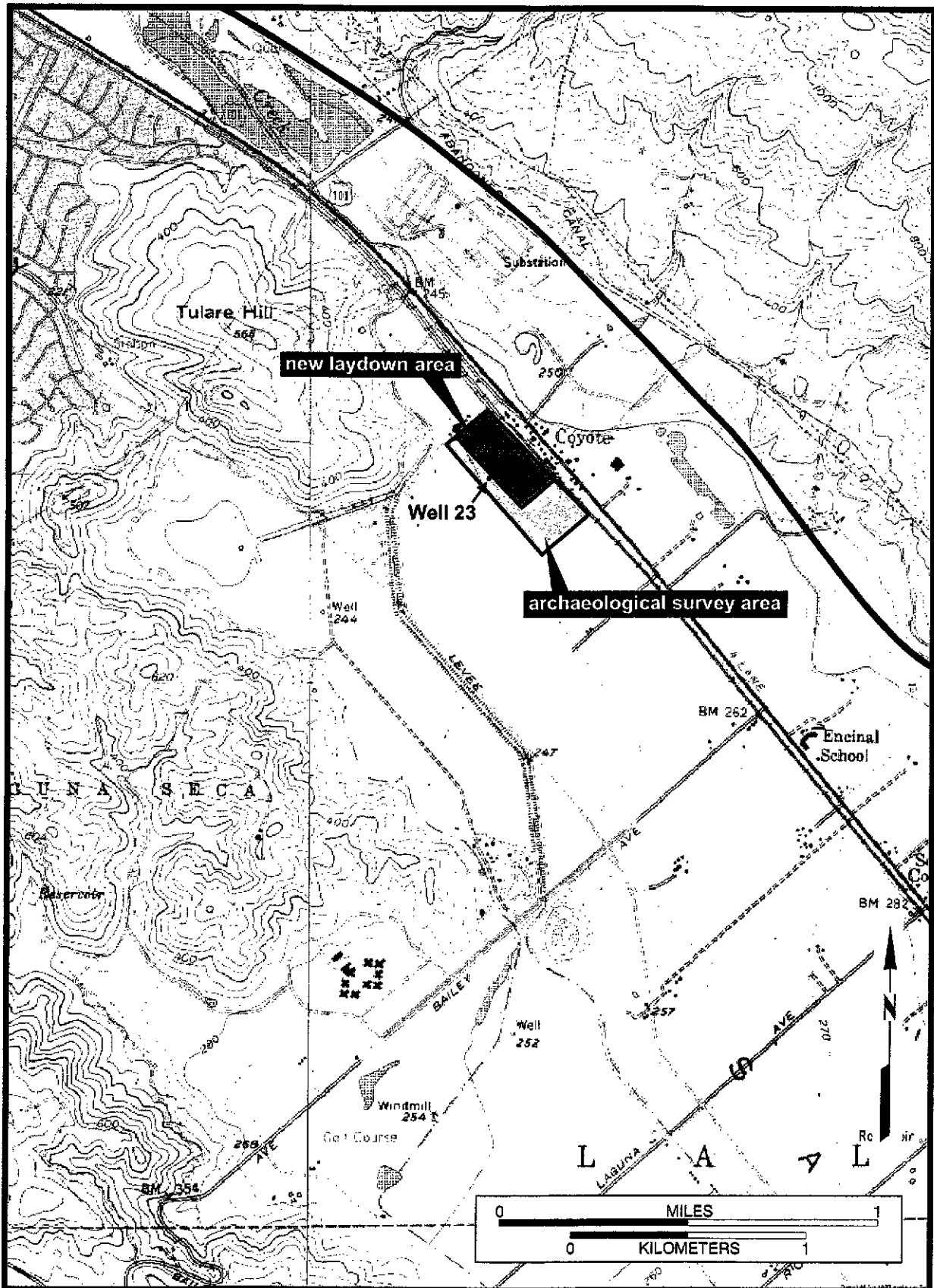


Figure 2: Project Location (USGS Morgan Hill, Calif. 1980 and USGS Santa Teresa Hills, Calif. 1980)



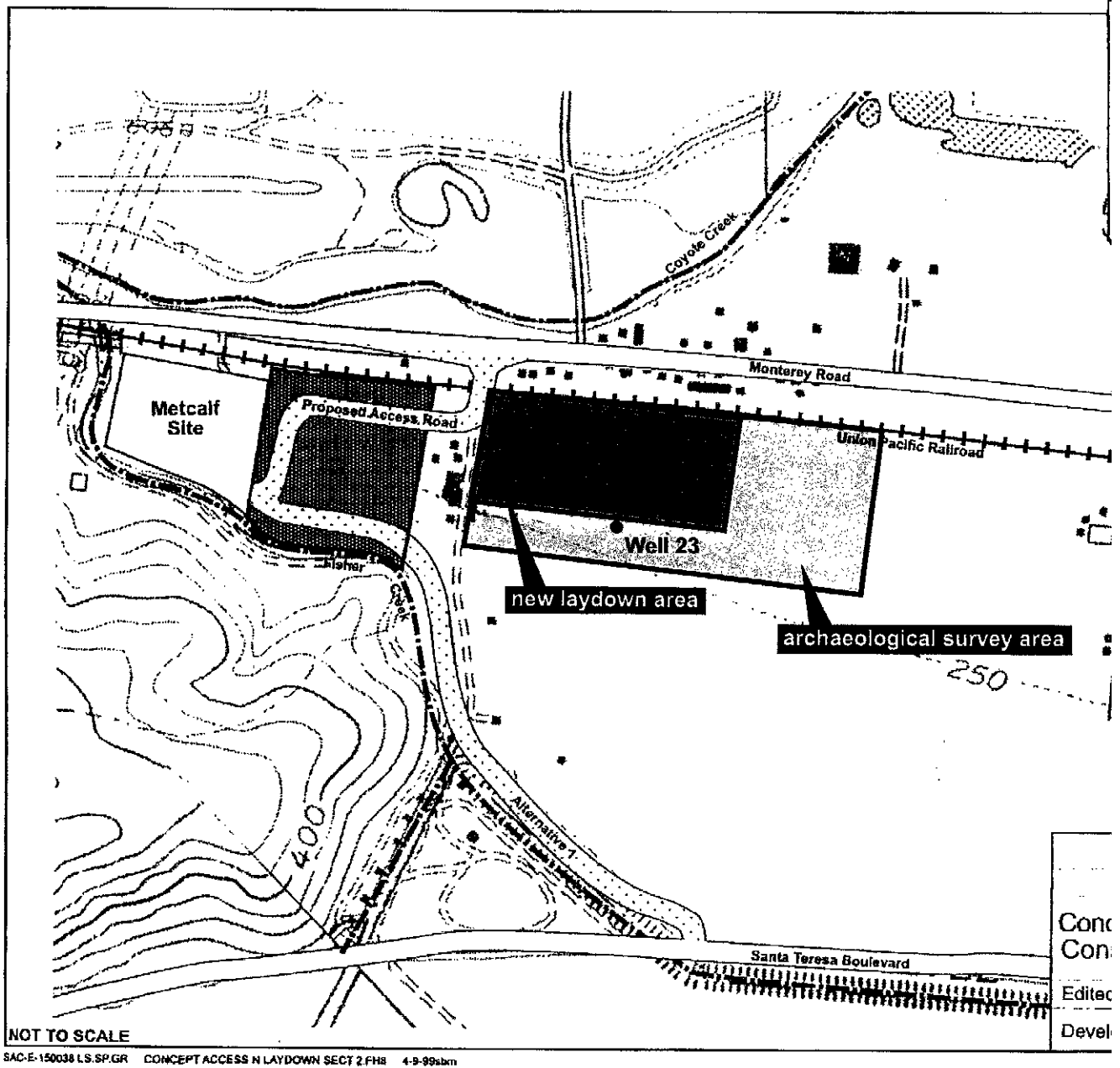


Figure 3: Archaeological Survey Area with New Laydown Area and Well 23

**CONDITION OF CERTIFICATION NOISE-7**

**METCALF ENERGY CENTER  
MONTHLY COMPLIANCE REPORT #1**

Statement attesting to compliance with condition NOISE-7:

Construction and construction-related activity (that which causes off-site annoyance, as evidenced by the filing of a legitimate noise complaint) at the Metcalf Energy Center project site will be restricted to the hours of 7:00AM to 7:00PM on weekdays and from 8:00AM to 6:00PM on weekends and holidays. The exception to this is Horizontal Directional Drilling, which may continue for 24 hours a day, seven days a week for two to three weeks.



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Nick LaPorte  
Project Manager  
Metcalf Energy Center

**CONDITION OF CERTIFICATION SOCIO-1**

**METCALF ENERGY CENTER  
MONTHLY COMPLIANCE REPORT #1**

SOCIO-1: List of planned procurement of materials or hiring outside the local regional area during the next two months.

<b>Material/equipment</b>	<b>Manufacturer</b>	<b>Point of Origin</b>	<b>Reason</b>
Cooling towers	Marley	Kansas (may also include other locations throughout the United States)	Not available locally
Transformers	Ferranti-Packard	Mexico	Not available locally
Boiler Feed Pumps	Sulzer	Germany (manufacturer)	Not available locally
Boiler Feed Pumps	Chalfont	Pennsylvania (international supplier)	Not available locally

# **PRE-CONSTRUCTION COMPLIANCE MATRIX**

**METCALF ENERGY CENTER  
MONTHLY COMPLIANCE REPORT #1**

Rev 5  
11/07/01

**METCALF ENERGY CENTER  
CEC CONDITIONS OF CERTIFICATION SCHEDULE MATRIX**

Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date
AQ-39	With in 180 days of the issuance of the Authority to Construct for the MEC, the Owner/Operator shall contact the BAAQMD Technical Services division regarding requirements for the continuous monitors, sampling ports, platforms, and source tests required by conditions 27, 30, 31, 33 & 47. All source testing and monitoring shall be conducted in accordance with the BAAQMD Manual of Procedures. (Regulation 1-501.)	With In 180 days of the issuance of the Authority to Construct for the MEC, the Owner/Operator shall contact the BAAQMD Technical Services division. The owner/operator shall notify the CEC CPM at least seven (7) working days before these contacts are made.	180 days after Issuance of Authority to Construct	12/19/2001
AQ-40	Demonstrate valid emission reduction credits in the amount of 212.75 tons/year of NOx and 28 tons/yr of POC or equivalent as defined by District Regulations 2-2-302.1 and 2-2-302.2 are under enforceable contracts or option to purchase agreements or equivalent binding legal documents. (offsets)	No more than 30 days after the issuance of an Authority to Construct, the Owner/Operator shall provide a copy of the ATC to the CEC CPM for review.	30 days after Issuance of Authority to Construct	12/19/2001
AQ-41	Provide to District valid emission reduction credit banking certificates in the amount of 212.75 ton/yr of Nox and 28 tons/yr of POCs or equivalent as defined by Regulations 2-2-302.1 and 2-2-302.2. (offsets, CEC)	At least 30 days prior to the start of construction, the owner/operator must submit a copy of the required offset or emission reduction credit (ERCs) certificates to the CEC CPM.	30 days prior to Start of Construction	12/19/2001
AQ-42	Submit an application to the BAAQMD for a major facility review permit within 12 months of the issuance of the PSD permit for the MEC. (Regulation 2-6-404.1)	Submit an application to BAAQMD major facility review permit. The owner/operator shall notify the CEC CPM of the submittal of this application.	360 days after Issuance of PSD Permit	12/19/2001
AQ-42	Submit an application to the BAAQMD for a major facility review permit within 12 months of the issuance of the PSD permit for the MEC. (Regulation 2-6-404.1)	In addition, the owner/operator shall submit to the CPM a copy of the Federal (Title V) Operating Permit within 30 days after it is issued by the District.	144 days after Issuance of PSD Permit	12/19/2001
AQ-48	Implement a CPM approved Fugitive Dust Control Plan during construction. Refer to AQ 48 for specific requirements.	Not later than sixty (60) days prior to the commencement of construction, the project owner shall submit the plan to the CEC CPM for review and approval	60 days prior to Start of Construction	12/19/2001
AQ-49	During construction owner shall: 1. Prevent or remove within 1-hour the track-out of bulk material into public paved roads as a result of their operations or take actions listed in Table 2 to prevent and/or remove this material (when track-out extends more than 50 feet onto public roads. 2. Install and use a track-out control device to prevent the track-out of bulk material from areas containing soils requiring corrective action (see Drawing No. 5-1) 3. Minimize fugitive particulate emission from vehicular traffic (on-site paved roads and paved parking areas) by vacuum mechanical sweeping or water flushing of road surface to remove buildup of loose material. Daily inspections of conditions mandated.	The project owner shall maintain a daily log during the construction phase of the project indicating: 1) the manner in which compliance with AQ-2 is achieved and 2) the date and time when the inspection of paved roads and parking lots occurs and the date and time(s) when the cleaning operation occurs. The logs shall be made available to the CEC CPM upon request.	Start of Construction	12/19/2001
AQ-50	At any time when fugitive dust from Metcalf Energy Center project construction is visible in the atmosphere beyond the property line, the project owner will identify the source of the fugitive dust and implement one or more of the appropriate control measures specified in Table 3.	The project owner will maintain a daily log recording the dates and times that measures in Table 3 (attached) have been implemented and make them available to the CEC CPM upon request.	Start of Construction	12/19/2001
AQ-51	Prior to the start of construction, the Metcalf Energy Center owner/operator must provide the District with valid ERC certificates for PM10 for the amount of 29.21 tons per year and for VOC for the amount of 124.2 tons per year from the sources noted in Condition 51. This portion of required PM10 and VOC ERCs and offsets are to be provided in addition to the requirements of Condition 41.	At least 30 days prior to the start of construction, the project owner must submit a copy of the required ERC certificates to the CPM and the District.	30 days prior to Start of Construction	12/19/2001

# METCALF ENERGY CENTER

## CEC CONDITIONS OF CERTIFICATION SCHEDULE MATRIX

Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date
AQ-52	The project owner shall mitigate, to the extent practical, construction related emission impacts from off-rad, diesel fired construction equip. Available mitigation measures include: catalyzed diesel particulate filters, ultra-low-sulfur diesel fuel, (S < 15 ppm), diesel engines certified to EPA/CARB 1996 or newer standards, limit idle time (to extent practical) to <10 minutes. Construction Mitigation Mgr. (CMM), available at the project site, will determine (in advance) the use of each mitigation measure. The CMM must be approved by the CPM prior to submission of reports. The CMM shall submit the following to the CPM for approval: Const. Mitigation Plan, Reports of Change/Mitigation Implementation, Reports of Emergency Termination of Mitigation, as necessary. Details of Plans shown in Condition AQ-52.	Submit to the CPM for approval the qualifications of the CMM at least 45 days prior to due date for diesel construction equipment.	45 days prior to breaking ground	11/12/2001
AQ-52	The project owner shall mitigate, to the extent practical, construction related emission impacts from off-rad, diesel fired construction equip. Available mitigation measures include: catalyzed diesel particulate filters, ultra-low-sulfur diesel fuel, (S < 15 ppm), diesel engines certified to EPA/CARB 1996 or newer standards, limit idle time (to extent practical) to < 10 minutes. Const. Mitigation Mgr. (CMM), available at the project site, will determine (in advance) the use of each mitigation measure. The CMM must be approved by the CPM prior to submission of reports. The CMM shall submit the following to the CPM for approval: Const. Mitigation Plan, Reports of Change/Mitigation Implementation, Reports of Emergency Termination of Mitigation, as necessary. Details of Plans shown in Condition AQ-52.	Submit Construction Equipment Mitigation Plan 30 days prior to rough grading or construction of linear facilities.	30 days prior to breaking ground	11/12/2001
WORKER SAFETY-1	The project owner shall submit to the CPM a copy of the Project Construction Safety and Health Program, containing the following: A Construction Injury and Illness Prevention Program, A Construction Fire Protection and Prevention Plan, A Personal Protective Equipment Program. The Construction Injury and Illness Prevention Program and the Personal Protective Equipment Program shall be submitted to the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) Consultation Service, for review and comment concerning compliance of the program with all applicable Safety Orders. The Construction Fire Protection and Prevention Plan shall be submitted to the city of San Jose Fire Department for review and acceptance.	At least 30 days prior to the start of construction, or a date agreed to by the CPM, the project owner shall submit to the CPM a copy of the Project Construction Safety and Health Program and the Personal Protective Equipment Program, with a copy of the cover letter transmittal of the programs to Cal/OSHA Consultation Service.	30 days prior to start of Construction	12/19/2001
WORKER SAFETY-1	The project owner shall submit to the CPM a copy of the Project Construction Safety and Health Program, containing the following: A Construction Injury and Illness Prevention Program, A Construction Fire Protection and Prevention Plan, A Personal Protective Equipment Program. The Construction Injury and Illness Prevention Program and the Personal Protective Equipment Program shall be submitted to the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) Consultation Service, for review and comment concerning compliance of the program with all applicable Safety Orders. The Construction Fire Protection and Prevention Plan shall be submitted to the city of San Jose Fire Department for review and acceptance.	At least 30 days prior to the start of construction, or a date agreed to by the CPM, the project owner shall submit to the CPM a letter from the San Jose Fire Department stating that they have reviewed and accepted the Construction Fire Protection and Prevention Plan.	45 days prior to start of Construction	12/19/2001



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11/07/01

# METCALF ENERGY CENTER CEC CONDITIONS OF CERTIFICATION SCHEDULE MATRIX

Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date
WORKER SAFETY-3	The project owners shall reach an agreement with the City of San Jose Fire Department, through the City of San Jose Community Facilities District, on the amount of fees and timing of payment they will provide to cover project-specific impacts associated with worker safety and fire protection. If an agreement cannot be reached at least 60 days prior to construction, the project owner will inform the CPM and propose a plan to mitigate impacts on fire services. The plan shall include interim funding of an additional fire station staffing, equipment, one engine, truck; requirements for water main distribution lines, public water lines, public (off-site) and private (onsite) fire hydrants. Within 60 days the CPM in consultation with the parties will propose an interim fee schedule for payment by the project owners.	Not later than 60 days prior to any ground disturbance, the project owners shall provide the CPM with a copy of an agreement with the City of San Jose Fire Department or shall provide an interim plan to address impacts until a permanent agreement can be reached.	60 days prior to ground disturbing activity	11/12/2001
WORKER SAFETY-3	The project owners shall reach an agreement with the City of San Jose Fire Department, through the City of San Jose Community Facilities District, on the amount of fees and timing of payment they will provide to cover project-specific impacts associated with worker safety and fire protection. If an agreement cannot be reached at least 60 days prior to construction, the project owner will inform the CPM and propose a plan to mitigate impacts on fire services. The plan shall include interim funding of an additional fire station staffing, equipment, one engine, truck; requirements for water main distribution lines, public water lines, public (off-site) and private (onsite) fire hydrants. Within 60 days the CPM in consultation with the parties will propose an interim fee schedule for payment by the project owners.	If an agreement cannot be reached at least 60 days prior to construction, the project owner will inform the CPM and propose a plan to mitigate impacts on fire services.	60 days prior to ground disturbing activity	11/12/2001
WASTE-3	Prepare and submit to the CPM, for review and comment, a waste management plan for all wastes generated during construction and operation of the facility, respectively. Plans shall contain, at a minimum, the following: <input type="checkbox"/> A description of all waste streams, including projections of frequency, amounts generated and hazard classifications; and <input type="checkbox"/> Methods of managing each waste, including treatment methods and companies contracted with for treatment services, waste testing methods to assure correct classification, methods of transportation, disposal requirements and sites, and recycling and waste minimization/reduction plans.	No less than 60 days prior to the start of construction, the project owner shall submit the construction waste management plan to the CPM for review.	60 days prior to start of construction	12/19/2001
WASTE-4	The project owner shall have a Registered Professional Engineer or Geologist, with experience in remedial investigation and feasibility studies, available for consultation during soil excavation and grading activities. The Registered Professional Engineer or Geologist shall be given full authority to oversee any earth moving activities that have the potential to disturb contaminated soil.	At least 30 days prior to the start of construction, the project owner shall submit the qualifications and experience of the Registered Professional Engineer or Geologist to the CPM for approval.	30 days prior to ground disturbing activity	11/12/2001
WASTE-6	The project owner shall obtain a Hazardous Material Clearance Form from the Santa Clara County Hazardous Materials Compliance Division.	Prior to the start of construction, the project owner shall provide an approved copy of the Santa Clara County Hazardous Materials Compliance Division's Hazardous Material Clearance Form to the CPM.	Prior to start of Construction	12/19/2001
WASTE-7	The project owner shall perform additional limited investigations to fully characterize the site, including sampling soil in the area of the former asbestos containing material (ACM) piles to confirm that ACM is no longer present, sampling of the contents of the unlabeled drums and above ground storage tanks, and sampling of areas previously identified as inaccessible in the Phase II ESA.	Prior to the start of construction, the project owner shall submit analytical results of the additional sampling to the CPM as a ESA Addendum.	Prior to start of construction	12/19/2001
WASTE-8	All site debris, including stockpiles, drums, automotive debris, storage sheds, and living quarters, shall be removed from the site as soon as possible after the project owner has control of the site.	The project owner shall notify the CPM in writing within ten days of removal of site debris.	10 days after removal of site debris	10/8/2001

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11/07/01

# **METCALF ENERGY CENTER** **CEC CONDITIONS OF CERTIFICATION SCHEDULE MATRIX**

Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date
LAND-2	The project owner shall landscape the parking area consistent with the "Orchard Planting" Guidelines of the North Coyote Valley Campus Industrial Area Master Development Plan.	At least thirty (30) days prior to the start of construction of the power plant, the project owner shall submit to the City of San Jose for review and comment and to the CPM for approval a revised landscape plan demonstrating that the landscaping within the parking area is consistent with the North Coyote Valley Campus Industrial Area Master Development Plan guidelines.	30 days prior to start of Construction	12/19/2001
LAND-3	The project owner shall design and construct the project to satisfy the setback requirements Setbacks are 100 feet for all buildings and structures and 50 feet for all uncovered off-street parking areas. Southern property line - 70 foot setback for all buildings and structures and 15 feet for uncovered off-street parking areas; no project facilities or structures within 32 feet from the site boundary along the Union Pacific ROW. See Land-3 for set back distances in this area by facility unless agreed to by CPM in consultation with City of San Jose. Submit to the CPM final design plans demonstrating that the specified setbacks will be provided. The project owner shall not start construction of the project until the project owner receives written approval of the final design plans from the CPM. When the project owner has surveyed the property to mark the boundaries of the specified facilities and structures, the project owner shall notify the CPM that the boundaries are available for inspection. The project owner shall not start construction of the specified facilities and structures until the CPM has approved the boundaries.	At least sixty (60) days prior to the start of construction, the project owner shall submit the final design plans to the CPM for approval. When the boundaries of the specified facilities and structures have been marked, the project owner shall notify the CPM that the boundaries are ready for inspection.	60 days prior to start of construction	12/19/2001
LAND-3	The project owner shall design and construct the project to satisfy the setback requirements Setbacks are 100 feet for all buildings and structures and 50 feet for all uncovered off-street parking areas. Southern property line - 70 foot setback for all buildings and structures and 15 feet for uncovered off-street parking areas; no project facilities or structures within 32 feet from the site boundary along the Union Pacific ROW. See Land-3 for set back distances in this area by facility unless agreed to by CPM in consultation with City of San Jose. Submit to the CPM final design plans demonstrating that the specified setbacks will be provided. The project owner shall not start construction of the project until the project owner receives written approval of the final design plans from the CPM. When the project owner has surveyed the property to mark the boundaries of the specified facilities and structures, the project owner shall notify the CPM that the boundaries are available for inspection. The project owner shall not start construction of the specified facilities and structures until the CPM has approved the boundaries.	At least sixty (60) days prior to the start of construction, the project owner shall submit the final design plans to the San Jose review and comment.	Start of Construction	12/19/2001
LAND-5	Acquire from the property owners (Passantino) immediately south of the MEC site a restrictive covenant agreement running with title that establishes a strip of land one hundred thirty (130) feet in width as a building setback (the "Setback Area"), beginning at the southern MEC property line. Such covenant shall ensure that no buildings or other permanent structures shall be constructed, installed or maintained within the Setback Area in violation of the applicable ordinances, plans, and regulations of the City of San Jose. Such covenant shall not prohibit the construction, installation, or maintenance of roads, driveways, parking areas, landscaping, fencing, lighting and utility facilities, signs, temporary trailers, farm-related fixtures, or other improvements as may be permitted by the applicable ordinances, plans, and regulations of the City of San Jose. Further, the project owner shall acquire an easement (the Open Space Easement) on a strip of land approximately thirty (30) feet in width along the northern boundary of the Lands of Passantino. The Open Space Easement area shall remain in agricultural production unless and until it	At least ninety (90) days prior to the start of construction of the power plant, the project owner shall submit to the CPM a recorded copy of the Restrictive Covenant and Easement Agreement that establishes the Setback Area and Open Space Easement.	90 days prior to start of construction	12/19/2001

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# **METCALF ENERGY CENTER** **CEC CONDITIONS OF CERTIFICATION SCHEDULE MATRIX**

Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date
LAND-6	<p>Ensure the protection of soil while using agricultural land as a construction laydown and parking area. When the agricultural land is no longer needed as a construction laydown and parking area, but no later than the start of commercial operation of the power plant, restore the soil to its natural state for agriculture.</p> <p>In parking and heavy traffic areas and those areas used for temporary facilities, protective measures shall include but not necessarily be limited to: covering the existing soil with a woven geotextile separator layer to protect underlying top soil; adding an additional layer of structural geogrid over the separator fabric in heavy traffic areas; and covering the geotextile layer with 8 to 12 inches of granular fill. After use, remove the granular fill and geotextile/geogrid and till the soil to thoroughly aerate and remove all soil compaction. In those areas where heavy traffic protection is not required and soil conditions permit, laydown materials shall be placed on appropriate wood dunnage. After use, remove the wood dunnage and materials and till the soil to thoroughly aerate.</p>	At least thirty (30) days prior to the delivery of construction materials to the power plant laydown area, the project owner shall notify the CPM that the protective measures stated above will be applied prior to the delivery of any construction materials.	30 days prior to first delivery of construction materials	11/12/2001
LAND-7	The project owner shall ensure that any additional construction laydown areas needed along all pipeline routes are located within existing paved or gravel areas.	At least sixty (60) days prior to construction of the pipelines, the project owner shall submit to the CPM a detailed map showing the location of any planned laydown areas along the pipeline routes and photographs of the areas.	60 days prior to construction of pipelines	12/1/2001
LAND-9	Route the water supply and wastewater discharge pipelines through open agricultural areas to avoid the direct loss of orchard trees.	At least sixty (60) days prior to construction of the water supply and wastewater discharge pipelines the project owner shall submit to the CPM for review and approval a site plan that shows the precise alignment of the pipelines in relation to existing orchard trees. The site plan shall clearly delineate the width of the pipeline construction corridor.	60 days prior to start of construction of water supply and waste water pipelines	12/1/2001
LAND-9	Route the water supply and wastewater discharge pipelines through open agricultural areas to avoid the direct loss of orchard trees.	At least seven (7) days prior to ground disturbing activities related to pipeline construction, the project owner shall notify the CPM that stakes have been installed to delineate the boundaries of the pipeline corridor and the route is ready for inspection.	7 days prior to start of ground disturbing activities related to pipeline construction	12/1/2001
LAND-10	During pipeline construction, stockpile excavated topsoil separate from subsoil in agricultural areas. Backfill the trenches in a manner that minimizes the alteration of the original soil order.	At least thirty (30) days prior to ground disturbance related to pipeline construction, the project owner shall submit a description of the procedure to minimize alteration of original soil stratigraphy.	30 days prior to start of ground disturbing activities related to pipeline construction	12/1/2001
LAND-10	During pipeline construction, stockpile excavated topsoil separate from subsoil in agricultural areas. Backfill the trenches in a manner that minimizes the alteration of the original soil order.	At least seven (7) days prior to trenching, the project owner shall notify the CPM of the schedule for trenching.	7 days prior to trenching for pipeline	12/1/2001
LAND-10	During pipeline construction, stockpile excavated topsoil separate from subsoil in agricultural areas. Backfill the trenches in a manner that minimizes the alteration of the original soil order.	Within seven (7) days after the start of trenching, the project owner shall submit photographs to the CPM that demonstrates that the topsoil has been kept separate from the subsoil.	7 days after trenching for pipeline	12/1/2001
LAND-11	<p>The project owner shall design and construct the project to meet the following height requirements, unless otherwise agreed to by the CPM in consultation with the City of San Jose:</p> <p>The heat recovery steam generator stacks shall be limited to 145 feet above finished grade.</p>	At least sixty (60) days prior to the start of construction, the project owner shall submit the final design specifications to the CPM for review and approval.	60 days prior to start of construction	12/19/2001

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Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date
TRANS-4	The project owner shall enter into a Crossing Agreement with UPRR which provides for the design and installation of railroad grade crossing warning equipment (gates and signals) at the railroad crossing for Blanchard Road in accordance with UPRR and PUC design standards. If the warning equipment is not installed prior to the start of site preparation or earth moving activities, then the project owner shall implement temporary safety measures as specified by UPRR in the Crossing Agreement, including the stationing of flag persons at the crossing. These temporary measures shall stay in place until the permanent equipment is installed. Refer to TRANS 4 for additional details.	If the permanent crossing warning equipment is not expected to be in place prior to initiation of site preparation or earth moving activities, then the project owner shall submit a traffic plan for the railroad crossing to UPRR for review and approval at least 60 days in advance of any site preparation or earth moving activities.	60 days prior to site preparation	11/12/2001
TRANS-4	The project owner shall install railroad grade crossing warning equipment (gates and signals) at the railroad crossing for Blanchard Road in accordance with UPRR and local/federal agency design standards. If the warning equipment is not installed prior to the start of site preparation or earth moving activities, then the project owner shall install temporary measures, including the stationing of flag persons, to the satisfaction of the PUC and UPRR. These temporary measures shall stay in place until the permanent equipment is installed. Refer to TRANS 4 for additional details.	The project owner shall submit the executed Crossing Agreement for the grade crossing warning equipment (gates and signals) and plans for temporary measures to the CPM for approval.	60 days prior to site preparation	11/12/2001
TRANS-5	Prior to site preparation, the project owner shall consult with Santa Clara Co., San Jose, and Caltrans & prepare a Const. Traffic Control Plan (CTCP) and implementation program which address the following for linears: 1. Timing of p-line const. (traffic control measures including, but not limited to, having construction of portions of the p-line take place at night or on w-ends to avoid traffic flow disruptions), 2. Signing, lighting, & traffic control device placement, 3. Temporary travel lane closures (outside of peak hours of 6-9 am and 4-7 pm, unless approved by the agencies), 4. Maintaining access to adjacent residential and commercial properties, 5. Emergency access. Prepare a CTCP and implementation program which address the following issues for power plant const, 6. Establishing const. work hours outside of peak traffic periods, 7. Timing of heavy vehicle equipment and building materials deliveries and, 8. Off-street employee parking in const. areas during peak const.	At least 30 days prior to start of site preparation or earth moving activities, the project owner shall provide to Santa Clara County, City of San Jose and Caltrans for review and comment, and to the CPM for review and approval, a copy of their construction traffic control plan and implementation program.	30 days prior to start of construction	12/19/2001
TRANS-6	Following completion of construction of the power plant and all related facilities, the project owner shall repair roadways to original or as near original condition as possible. Refer to TRANS 6 for further details	Prior to start of site preparation or earth moving activities, the project owner shall photograph, videotape, or digitally record images of Monterey Road between Metcalf Road and Blanchard Road. The project owner shall provide the CPM, Santa Clara County and Caltrans with a copy of these images.	Start of Construction	12/19/2001
TRANS-6	Following completion of construction of the power plant and all related facilities, the project owner shall repair roadways to original or as near original condition as possible. Refer to TRANS 6 for further details	Prior to start of site preparation or earth moving activities, the project owner shall photograph, videotape, or digitally record images of ..... sections of public roadways that will be affected by water and wastewater pipeline construction. The project owner shall provide the CPM, Santa Clara County and Caltrans with a copy of these images.	Start of ground disturbing activities related to pipeline construction	12/1/2001
TRANS-6	Following completion of construction of the power plant and all related facilities, the project owner shall repair roadways to original or as near original condition as possible. Refer to TRANS 6 for further details	At least 60 days prior to start of site preparation or earth moving activities, the project owner shall notify Caltrans about the schedule for project construction.	60 days prior to site preparation	11/12/2001
TRANS-6	Following completion of construction of the power plant and all related facilities, the project owner shall repair roadways to original or as near original condition as possible. Refer to TRANS 6 for further details	Prior to start of site preparation or earth moving activities, the project owner shall photograph, videotape, or digitally record images of sections of public roadways that will be affected by water and wastewater pipeline construction. The project owner shall provide the CPM, Santa Clara County and Caltrans with a copy of these images.	Start of Construction of water supply and waste water pipelines	12/1/2001

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Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date
TRANS-7	Prior to start of site preparation or earth moving, the project owner shall prepare and submit a parking and staging plan for all phases of project construction to the City of San Jose and Santa Clara County for review and comment and to the CPM for approval. During construction of the power plant and all related facilities, the project owner shall manage the on-site construction-period parking.	At least 60 days prior to start of site preparation or earth moving, the project owner shall submit the parking and staging plan to the City of San Jose and Santa Clara County for review and comment, and to the CPM for approval.	60 days prior to start of construction	12/19/2001
NOISE-1	At least 15 days prior to the start of rough grading, and 15 days before steam blows, the project owner shall notify all residents and business entities within one mile of the site, by mail or other effective means, of the commencement of project construction. At the same time, the project owner shall establish a telephone number for use by the public to report any undesirable noise conditions associated with the construction and operation of the project. If the telephone is not staffed 24 hours per day, the project owner shall include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This telephone number shall be posted at the project site during construction in a manner visible to passersby. This telephone number shall be maintained until the project has been operational for at least one year.	Notify residents and establish/post telephone number as described in Requirements & Task Summary	15 days prior to start of rough grading	11/12/2001
NOISE-1	At least 15 days prior to the start of rough grading, and 15 days before steam blows, the project owner shall notify all residents and business entities within one mile of the site, by mail or other effective means, of the commencement of project construction. At the same time, the project owner shall establish a telephone number for use by the public to report any undesirable noise conditions associated with the construction and operation of the project. If the telephone is not staffed 24 hours per day, the project owner shall include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This telephone number shall be posted at the project site during construction in a manner visible to passersby. This telephone number shall be maintained until the project has been operational for at least one year.	The project owner shall transmit to the Compliance Project Manager (CPM) in the first monthly construction report following the start of rough grading, a statement signed by the project manager attesting that the above notification has been performed, describing the method of that notification, and including a sample letter, poster or other notice, as appropriate. This statement shall also attest that the telephone number has been established and posted at the power plant site.	Monthly Construction Report Following the Start of Rough Grading	11/12/2001
NOISE-3	Prior to the start of project construction, the project owner shall submit to the CPM for review a Noise Control Program. The noise control program shall be used to reduce employee exposure to high noise levels during construction and also to comply with applicable OSHA standards.	At least 30 days prior to the start of rough grading, the project owner shall submit to the CPM the above referenced program. The project owner shall make the program available to OSHA upon request.	30 days prior to start of rough grading	11/12/2001
VIS-5	Before use of the construction laydown area for the power plant, implement the installation of temporary aesthetic screening along the south and east sides and any of the eastern portion of the north side of the construction laydown area that may be visible to travelers on Monterey Road or passenger trains. Install long-term aesthetic screening along the west side of Monterey Road. The temporary aesthetic screening shall remain in place for the duration of the use of the laydown area. Temporary screening shall be high enough to obscure views of most of the lighting, as well as equipment, vehicles, and materials in the area, from the highway, and nearby residences to the south. Immediately upon completion of construction of the project, the temporary aesthetic screening shall be removed and the construction laydown area shall be revegetated and restored to its original condition prior to construction or to an improved condition. (See Condition VIS-5 for requirements)	At least ninety (90) days prior to the start of use of the construction laydown area for the power plant, the project owner shall submit the proposed temporary and long-term aesthetic screening plans to the City of San Jose for review and comment.	90 days prior to start of use of the construction laydown area	11/12/2001

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Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date
VIS-5	Before use of the construction laydown area for the power plant, implement the installation of temporary aesthetic screening along the south and east sides and any of the eastern portion of the north side of the construction laydown area that may be visible to travelers on Monterey Road or passenger trains. Install long-term aesthetic screening along the west side of Monterey Road. The temporary aesthetic screening shall remain in place for the duration of the use of the laydown area. Temporary screening shall be high enough to obscure views of most of the lighting, as well as equipment, vehicles, and materials in the area, from the highway, and nearby residences to the south. Immediately upon completion of construction of the project, the temporary aesthetic screening shall be removed and the construction laydown area shall be revegetated and restored to its original condition prior to construction or to an improved condition. (See Condition VIS-5 for requirements)	At least ninety (90) days prior to the start of use of the construction laydown area for the power plant, the project owner shall submit the proposed temporary and long-term aesthetic screening plans to the CPM for review and approval.	90 days prior to start of use of the construction laydown area	11/12/2001
VIS-7	Immediately following the beginning of construction of the power plant, the project owner shall install aesthetic landscape screening along a portion of Coyote Ranch Road between the power plant and Coyote Ranch in locations that would eventually help screen views from the ranch toward the power plant. Vegetation selected for landscape screening shall consist primarily of plants that are appropriate for and preferably native to the local region and trees that would grow quickly and reach a height of at least 40 ft. (See VIS-7 for reqmts)	At least ninety (90) days prior to the start of construction of the power plant, the project owner shall submit the proposed aesthetic landscape screening plan to the City of San Jose and County of Santa Clara Parks and Recreation Department for review and comment.	90 days prior to start of construction	12/19/2001
VIS-7	Immediately following the beginning of construction of the power plant, the project owner shall install aesthetic landscape screening along a portion of Coyote Ranch Road between the power plant and Coyote Ranch in locations that would eventually help screen views from the ranch toward the power plant. Vegetation selected for landscape screening shall consist primarily of plants that are appropriate for and preferably native to the local region and trees that would grow quickly and reach a height of at least 40 ft. (See VIS-7 for reqmts)	At least ninety (90) days prior to the start of construction of the power plant, the project owner shall submit the proposed aesthetic landscape screening plan to the CPM for review and approval.	90 days prior to start of construction	12/19/2001
VIS-9	The power plant shall be designed in a manner that reduces its appearance as an industrial facility and helps visually integrate it with its surroundings. To accomplish these objectives, some elements of the power plant's appearance may need to be changed. Changing appearance elements may be necessary to help better fit the structures and the power plant with the rural visual character of their existing surroundings and the architectural character of probable future buildings in the Campus Industrial Area development, or to achieve another acceptable visual scheme. (See Cond. VIS-9 for other requirements)	At least sixty (60) days prior to the start of architectural treatment for the power plant, the project owner shall submit the proposed architectural design treatment plan to the City of San Jose for review and comment.	60 days prior to start of construction	12/19/2001
VIS-9	The power plant shall be designed in a manner that reduces its appearance as an industrial facility and helps visually integrate it with its surroundings. To accomplish these objectives, some elements of the power plant's appearance may need to be changed. Changing appearance elements may be necessary to help better fit the structures and the power plant with the rural visual character of their existing surroundings and the architectural character of probable future buildings in the Campus Industrial Area development, or to achieve another acceptable visual scheme. (See Cond. VIS-9 for other requirements)	At least sixty (60) days prior to the start of architectural treatment for the power plant, the project owner shall submit the proposed architectural design treatment plan to the CPM for review and approval. The CPM shall then conduct a public meeting to view the proposed architectural treatment and may, if warranted, establish an advisory committee to provide comment on achieving an acceptable architectural treatment. The review of the Applicant's architectural treatment shall be complete no later than 60 days after it is submitted.	60 days prior to start of construction	12/19/2001

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Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date
VIS-10	The power plant shall be operated in a manner that reduces its appearance as an industrial facility and helps visually integrate it with its surroundings. To accomplish these objectives, the power plant shall be designed and operated to minimize visible plumes. The power plant shall be designed and operated to meet the following plume abatement standards: No plume from the HRSG stack during daylight, non-fog, non-rain hours; cooling tower plume shall not be visible for more than a total of 14 hours in any calendar year during daylight, non-fog, non-rain hours (exception plumes created during unplanned outages of plume abatement systems). See Vis- 10 for additional detail (including installation of monitoring cameras).	At least sixty (60) days prior to the start of construction of the power plant, the project owner shall submit the proposed plume abatement plan to the City of San Jose for review and comment.	60 days prior to start of construction	12/19/2001
VIS-10	The power plant shall be operated in a manner that reduces its appearance as an industrial facility and helps visually integrate it with its surroundings. To accomplish these objectives, the power plant shall be designed and operated to minimize visible plumes. The power plant shall be designed and operated to meet the following plume abatement standards: No plume from the HRSG stack during daylight, non-fog, non-rain hours; cooling tower plume shall not be visible for more than a total of 14 hours in any calendar year during daylight, non-fog, non-rain hours (exception plumes created during unplanned outages of plume abatement systems). See Vis- 10 for additional detail (including installation of monitoring cameras).	At least sixty (60) days prior to the start of construction of the power plant, the project owner shall submit the proposed plume abatement plan to the CPM for review and approval.	60 days prior to start of construction	12/19/2001
VIS-12	Prior to commencing construction, the project owner shall contact the owners of property along Blanchard Road and develop, in consultation with the property owners, a plan to screen views of the project from each property if so desired by a property owner. The project owner shall bear the cost of any landscaping/screening developed under this condition.	At least fifteen (15) days prior to commencing project construction, the project owner shall provide to the CPM a report on the landscaping/screening plan, including a list of the property owners contacted. The report shall specify the measures which will be implemented and a schedule for their implementation. The project owner shall notify the CPM when any measures developed with a property owner have been implemented and are ready for inspection.	15 days prior to start of construction	12/19/2001
VIS-12	Prior to commencing construction, the project owner shall contact the owners of property along Blanchard Road and develop, in consultation with the property owners, a plan to screen views of the project from each property if so desired by a property owner. The project owner shall bear the cost of any landscaping/screening developed under this condition.	The project owner shall notify the CPM when any measures developed with a property owner have been implemented and are ready for inspection.	Required per VIS-12	11/16/2001
CUL-1	Prior to the start of any construction-related vegetation clearance or earth disturbing activities, or project site preparation, the project owner shall provide the California Energy Commission (Commission) Compliance Project Manager (CPM) with the name and statement of qualifications of its designated cultural resource specialist who will be responsible for implementation of all cultural resources Conditions of Certification. The required qualifications and duties of the specialist and the team are given in CUL-1, pg.433	At least 90 days prior to the start of project earth disturbing activities, the project owner shall submit the name and statement of qualifications of its designated cultural resource specialist to the CPM for review and written approval	90 days prior to start of construction related vegetation clearance or ground disturbing activities or prior to site preparation	11/12/2001

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Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date
CUL-1	Prior to the start of any construction-related vegetation clearance or earth disturbing activities, or project site preparation, the project owner shall provide the California Energy Commission (Commission) Compliance Project Manager (CPM) with the name and statement of qualifications of its designated cultural resource specialist who will be responsible for implementation of all cultural resources Conditions of Certification. The required qualifications and duties of the specialist and the team are given in CUL-1, pg.433	At least 10 days but no more than 30 days prior to the start of earth disturbing activities, the project owner shall confirm in writing to the CPM that the approved designated cultural resource specialist will be available at the start of construction and is prepared to implement the cultural resource Conditions of Certification.	10-30 days prior to start of construction related vegetation clearance or ground disturbing activities or prior to site preparation	11/12/2001
CUL-2	Prior to the start of earth disturbing activities, the project owner shall provide the designated cultural resource specialist and the CPM with maps and drawings showing the footprint of the power plant and all linear facilities. Maps provided will include the USGS 7.5 minute topographic quadrangle map and a map at an appropriate scale (i.e., 1:2000 or 1" = 200') for plotting individual artifacts. If the designated cultural resource specialist requests enlargements or strip maps for linear facility routes, the project owner shall provide them. In addition, the project owner shall provide a set of these maps and drawings reflecting these changes to the cultural resource specialist and the CPM within five (5) days. Maps shall show the location of all areas where surface disturbance may be associated with project related access roads, and any other project components.	At least seventy-five (75) days prior to the start of earth disturbing activities on the project, the project owner shall provide the designated cultural resource specialist and the CPM with the maps and drawings. Copies of maps or drawings reflecting changes to the footprint of the power plant and/or linear facilities shall be submitted to the cultural resource specialist and the CPM.	75 days prior to start of site preparation	11/12/2001
CUL-3	Prior to the start of project construction, the designated cultural resources specialist shall prepare, and the project owner shall submit to the CPM for review and written approval, a Cultural Resources Monitoring and Mitigation Plan, identifying general and specific measures to minimize potential impacts to sensitive cultural resources. See Pg. 434 for specific plan requirements	At least sixty (60) days prior to the start of project construction related vegetation clearance or earth disturbing activities or project site preparation, the project owner shall provide the Cultural Resources Monitoring and Mitigation Plan, prepared by the designated cultural resource specialist, to the CPM for review and written approval.	60 days prior to start of site preparation	11/12/2001
CUL-4	Prior to the start of construction, the cultural specialist shall prepare an Employee Training Program on potential cultural issues and submit to the CPM for review and written approval. Requirements of the training program are given in CUL-4, pg.436	At least 60 days prior to the start of construction on the project, the project owner shall submit to the CPM for review and written approval, the proposed employee training program, the set of reporting procedures, and the work curtailment procedures that the workers are to follow if previously unknown cultural resources are encountered during construction. The project owner shall provide the name and resume of the individual(s) performing the training.	60 days prior to start of site preparation	11/12/2001
CUL-5	Prior to the start of project construction-related vegetation clearance or earth disturbing activities or project site preparation and throughout the project construction period as needed for all new employees, the project owner shall ensure that the designated cultural resource trainer(s) provide(s) the CPM-approved cultural resources training to all project managers, all construction supervisors, and those workers who operate ground disturbing equipment. The project owner shall ensure that the designated trainer provides the workers with the CPM-approved set of procedures for reporting any sensitive resources that may be discovered during project-related ground disturbance and the work curtailment procedures that the workers are to follow if previously unknown cultural resources are encountered during construction. The original cultural resources training session may be videotaped and shown to employees hired after the project is underway.	Within 7 days after the start of construction the project owner shall provide the CPM with documentation that the designated cultural resources trainer(s) has/have provided to all project managers, construction supervisors, and workers hired before the start of construction the CEC-approved cultural resources training and the set of reporting and work curtailment procedures.	7 days after start of construction related vegetation clearance or ground disturbing activities or prior to site preparation	11/12/2001



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Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date
CUL-6	The designated cultural resource specialist or the specialist's delegated monitor(s) shall have the authority to halt or redirect construction if previously unknown cultural resource sites or materials are encountered during project construction related vegetation clearance or earth disturbing activities or project site preparation. Discovery actions are outlined on pg. 436.	Thirty (30) days prior to the start of project construction-related vegetation clearance or earth disturbing activities and preparation; the project owner shall provide the CPM with a letter confirming that the designated cultural resources specialist and delegated monitor(s) have the authority to halt construction activities in the vicinity of a cultural resource find.	30 days prior to start of construction related vegetation clearance or ground disturbing activities or prior to site preparation	11/12/2001
CUL-7	Prior to the start of project construction related vegetation clearance or earth disturbing activities or project site preparation; and each week throughout project construction, the project owner shall provide the designated cultural resource specialist with a current schedule of anticipated project activity in the following month and a map indicating the area(s) where the construction activities will occur. The designated cultural resource specialist shall consult daily with the project superintendent or construction field manager to confirm the area(s) to be worked on the next day(s).	10 days prior to the start of project construction-related vegetation clearance or earth disturbing activities or project site preparation; and in each Monthly Compliance Report thereafter, the project owner shall provide the CPM with a copy of each weekly schedule of the construction activities. The project owner shall notify the CPM when all ground disturbing activities, including landscaping, are completed.	Start of Construction related vegetation clearance or ground disturbing activities or prior to site preparation	11/12/2001
CUL-16	Prior to the start of any construction-related vegetation clearance or earth disturbing activities, project site preparation or presence absence testing required in these conditions, the project owner and the designated cultural resources specialist shall consult with Ohlone/Costanoan Native American tribal representatives to develop an agreement(s) for qualified (as specified in the NAHC Guidelines for Monitoring) monitor(s). The monitor(s) shall be considered a member(s) of the cultural resource team and shall be present during the pre-construction and construction phases of the project whenever cultural resources monitoring activities are conducted.	At least thirty (30) days prior to the start of project-related vegetation clearance or earth disturbing activities or project site preparation, the project owner shall provide the CPM with a copy of all finalized agreements for Native American (Ohlone/Costanoan) monitor(s). If efforts to obtain the services of qualified Native American monitor(s) prove unsuccessful, the project owner shall immediately inform the CPM who will initiate a resolution process.	30 days prior to start of construction related vegetation clearance or ground disturbing activities or prior to site preparation	11/12/2001
CUL-18	Prior to initial project site mobilization (i.e., placing a trailer on the site with accompanying equipment, utilities and grading) the project owner must comply with Cul-1 and Cul-4 and complete Cul-5 as it pertains to management, supervisors and workers involved in this undertaking. The project owner shall comply with Cul-2 and Cul-3 for the entire project, but this need not be accomplished before the trailer is placed. If cultural resources are discovered, all cultural conditions shall apply. Prior to the initial site mobilization, the designated cultural resource specialist shall examine the area of initial project site mobilization and ensure that there are no cultural resources that may require protection or mitigation.	At least (7) days prior to engaging in the initial project site mobilization defined in this condition, the project owner shall provide the CPM with information authored by the designated cultural resource specialist identifying the area of initial site mobilization. The cultural resource specialist shall indicate the method(s), procedure(s) and date(s) the cultural resource inspection was performed and an explanation of the anticipated project activities. The document will be reviewed and approved by the CPM.	7 days prior to site mobilization	11/12/2001
SOCIO-1	The project owner and its contractors and subcontractors shall recruit employees and procure materials and supplies within the City of San Jose and Santa Clara County first unless: to do so will violate federal and/or state statutes the materials and/or supplies are not available; or qualified employees for specific jobs or positions are not available; or there is a reasonable basis to hire someone for a specific position from outside the local area.	At least sixty (60) days prior to the start of earth moving activities, the project owner shall submit to the Energy Commission Compliance Project Manager (CPM) copies of contractor, subcontractor, and vendor solicitations and guidelines stating hiring and procurement requirements and procedures.	60 days prior to start of site preparation	11/12/2001

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**METCALF ENERGY CENTER  
CEC CONDITIONS OF CERTIFICATION SCHEDULE MATRIX**

Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date
BIO-1	Construction site and/or ancillary facilities preparation (described as any ground disturbing activity other than Energy Commission approved geotechnical work) shall not begin until an Energy Commission Compliance Project Manager (CPM) approved Designated Biologist is available to be on site. See Cond. BIO-1.	At least 60 days prior to the start of any ground disturbance activities, the project owner shall submit to the CPM for approval, the name, qualifications, address and telephone number of the individual selected by the project owner as the Designated Biologist. If a Designated Biologist is replaced, the information on the proposed replacement, as specified in the condition, must be submitted in writing at least ten working days prior to the termination or release of the preceding Designated Biologist.	60 days prior to start of ground disturbance	11/12/2001
BIO-4	The project owner shall submit to the CPM for review and approval a copy of the final Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) and, once approved, shall implement the measures identified in the plan. See Condition BIO-4 to requirements.	At least 45 days prior to start of any project-related ground disturbance activities, the project owner shall provide the CPM with the final version of the BRMIMP for this project, and the CPM will determine the plans acceptability. The project owner shall notify the CPM five (5) working days before implementing any CPM approved modifications to the BRMIMP.	45 days prior to start of ground disturbance	11/12/2001
BIO-5	RIPARIAN RESTORATION - Prior to the start of any ground disturbance activities, the project owner shall develop the riparian corridor planting plan for inclusion into the Biological Resources Mitigation Implementation and Monitoring Plan. The protocol shall include a thorough discussion of methods, species, and location for plantings, erosion control, criteria for success, a monitoring program, and a reporting requirement. The plan should include an inclusive list of herbicides and application procedures that will be used within the 10-ft area surrounding the fence line. If the CPM determines that the plan requires modification, the project owner shall modify the report based on the CPM's comments.	At least 45 days prior to the start of any ground disturbance activities, the project owner shall provide to the CPM for review and approval the above riparian restoration plan.	45 days prior to start of ground disturbance	11/12/2001
BIO-6	Develop and implement a CPM approved Worker Environmental Awareness Program in which each of its employees, as well as employees of contractors and subcontractors who work on the project site or related facilities during construction and operation, are informed about sensitive biological resources associated with the project. See Condition BIO-6, Pg. 500 for requirements.	At least 60 days prior to the start of rough grading, the project owner shall provide copies of the Worker Environmental Awareness Program and all supporting written materials prepared by the Designated Biologist and the name and qualifications of the person(s) administering the program to the CPM for approval.	60 days prior to start of rough grading	11/12/2001
BIO-7	CALIFORNIA DEPARTMENT OF FISH & GAME PERMITS - Prior to start of any streambed disturbance activities, the project owner shall acquire a Streambed Alteration Agreement from CDFG in accordance with Section 1603 of the California Fish and Game Code and implement the permit terms and conditions.	No less than 30 days prior to the start of any streambed alteration disturbances, including horizontal directional drilling, the project owner shall submit to the CPM a copy of the final CDFG Streambed Alteration Agreement. Agreement terms and conditions will be incorporated into the Biological Resources Mitigation Implementation and Monitoring Plan.	30 days prior to start of ground disturbance	11/12/2001
BIO-8	U. S. FISH & WILDLIFE SERVICE SECTION 7 BIOLOGICAL OPINION - Prior to the start of any ground disturbance activities, the project owner shall provide a final copy of the U.S. Fish and Wildlife Service Biological Opinion in accordance with Section 7 of the federal Endangered Species Act and incorporate the terms of the biological opinion into the Biological Resources Mitigation Implementation and Monitoring Plan. The project owner will implement the terms and conditions contained in the Biological Opinion.	At least 45 days prior to the start of any project related ground disturbance activities, the project owner shall submit to the CPM a copy of the USFWS Biological Opinion. Permit terms and conditions will be incorporated into the Biological Resources Mitigation Implementation and Monitoring Plan.	45 days prior to start of ground disturbance	11/12/2001
BIO-9	U.S ARMY CORPS OF ENGINEERS PERMIT - Prior to the start of any streambed alteration, including horizontal drilling activities, the project owner shall provide a final copy of the Nationwide No. 7 permit in accordance with Section 404 of the Clean Water Act. The project owner will implement the terms and conditions contained in the permit.	At least 30 days prior to the start of any streambed alteration, including horizontal drilling activities, the project owner shall submit to the CPM a copy of the Nationwide No. 7 permit. Permit terms and conditions will be incorporated into the Biological Resources Mitigation Implementation and Monitoring Plan.	30 days prior to start of streambed alteration activities	11/12/2001

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# **METCALF ENERGY CENTER** **CEC CONDITIONS OF CERTIFICATION SCHEDULE MATRIX**

Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date
BIO-10	HABITAT COMPENSATION - To compensate for impacts to serpentine soils and associated endemic species, the project owner shall provide 116 acres of land on Tulare Hill and 15 acres of land on Coyote Ridge, the name of the entity that will be managing the land in perpetuity, and the endowment funds in the amount determined suitable from the Center for Natural Lands PAR analysis to administer and manage in perpetuity. Each of these must have been pre-approved by CEC staff and USFWS.	Within one week of commencing ground disturbance activities, the project owner must provide to the CPM for approval, the name of the management entity, written verification that the compensation lands have been purchased and written verification that the appropriate endowment fund (determined by the PAR analysis) has been received by the approved management entity.	7 days after start of ground disturbance	11/12/2001
BIO-11	The applicant, in consultation with the USFWS and Energy Commission staff, will develop a suitable final habitat management and monitoring plan for lands purchased on Tulare Hill (116 acres) and Coyote Ridge (15 acres).	At least 60 days prior to the start of any project-related ground disturbance activities, the project owner shall provide the CPM with the final approved version of the management plan. Once the plan is approved, it shall be incorporated into the BRMMP.	60 days prior to start of ground disturbance	11/12/2001
BIO-13	SITE PREPARATION - Prior to initial project site mobilization (i.e., placing a trailer on site with accompanying equipment, utilities, and grading) the project owner must comply with BIO-1, BIO-2, and BIO-10 and complete BIO-6 as it pertains to management, supervisors, and workers involved in this undertaking. Prior to the initial site mobilization, the designated biologist shall examine the area and ensure no special status species are present.	At least 10 days prior to engaging in the initial project site mobilization defined in this condition, the project owner shall provide the CPM with the location of the initial mobilization site, and the date(s), methods(s), and results of the pre-examination. The document will be reviewed and approved by the CPM.	10 days prior to mobilization	11/12/2001
SOIL & WATER-1	Prior to beginning any clearing, grading, or excavation activities associated with any project element the project owner shall provide a firm commitment for its construction water supply. Disinfected, tertiary-treated, recycled water will be used at the Metcalf Energy Center for cooling purposes and other appropriate non-potable uses (i.e., toilet flushing and equipment washing).	The commitment for the construction water supply shall be submitted to the Energy Commission CPM at least thirty (30) days prior to the start of construction.	30 days prior to start of construction	12/19/2001
SOIL & WATER-2	Prior to beginning any clearing, grading or excavation activities associated with construction of any project element, the project owner shall obtain Energy Commission staff approval for a Storm Water Pollution Prevention Plan (SWPPP) as required under the General Stormwater Construction Activity Permit from the SFBRWQCB for the project.	30 days prior to the start of any clearing, grading or excavation activities associated with the construction of any project element, the project owner will submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) to the Energy Commission Compliance Project Manager (CPM) for review and approval.	30 days prior to start of ground disturbance	11/12/2001
SOIL & WATER-2	Prior to beginning any clearing, grading or excavation activities associated with construction of any project element, the project owner shall obtain Energy Commission staff approval for a Storm Water Pollution Prevention Plan (SWPPP) as required under the General Stormwater Construction Activity Permit from the SFBRWQCB for the project.	Approval of the plan by the Energy Commission CPM must be received prior to the initiation of any clearing, grading or excavation activities associated with construction of any project element.	Start of ground disturbance	11/12/2001
SOIL & WATER-3	Prior to beginning any clearing, grading or excavation activities associated with construction of any project element, the project owner shall obtain staff approval for a final erosion control and revegetation plan that addresses all project elements. The final plan to be submitted for staff's approval shall contain all the elements of the draft plan with changes made to address any staff comments and the final design of the project.	The erosion control and revegetation plan shall be submitted to the Energy Commission CPM no later than thirty days prior to the scheduled construction start date. Approval of the final plan by the Energy Commission CPM must be received prior to the initiation of any clearing, grading or excavation activities associated with construction of any project element.	30 days prior to start of ground disturbance	11/12/2001
SOIL & WATER-4	Prior to beginning any clearing, grading or excavation activities associated with construction of any project element, the project owner shall obtain SCVWD approval for all activities within floodways or upon or within the banks of watercourses as defined in District Ordinance 83-2.	30 days prior to the start of any clearing, grading or excavation activities associated with the construction of any project element, the project owner will obtain SCVWD approval for all activities within floodways or upon or within the banks of watercourses as defined in District Ordinance 83-2.	30 days prior to start of ground disturbance	11/12/2001
SOIL & WATER-4	Prior to beginning any clearing, grading or excavation activities associated with construction of any project element, the project owner shall obtain SCVWD approval for all activities within floodways or upon or within the banks of watercourses as defined in District Ordinance 83-2.	30 days prior to the start of any clearing, grading or excavation activities associated with the construction of any project element, the project owner will obtain SCVWD approval for all activities within floodways or upon or within the banks of watercourses as defined in District Ordinance 83-2 and written documentation of this approval shall be submit to the CEC CPM.	30 days prior to start of ground disturbance	11/12/2001

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# **METCALF ENERGY CENTER** **CEC CONDITIONS OF CERTIFICATION SCHEDULE MATRIX**

Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date
SOIL & WATER-7	Prior to the initiation of any streambed alteration activities, including horizontal directional drilling associated with any project element, the project owner shall obtain a Section 401 Certification from the San Francisco RWQCB.	No later than 30 days prior to the start of any streambed alteration activities, including horizontal directional drilling associated with any project element, the project owner shall submit to the CEC CPM a copy of the Section 401 Certification from the San Francisco RWQCB for the MEC.	30 days prior to start of streambed alteration activities	11/12/2001
SOIL & WATER-9	The project owner shall design, construct, and fully fund the portion of the SBWR reclaimed water supply pipeline dedicated to, and essential for, the operation of MEC in accordance with the Conditions of Certification and the project description. Alternatively, the project owner may enter into an agreement for the construction of that portion of the SBWR reclaimed water supply pipeline dedicated to, and essential for, the operation of MEC in accordance with the Conditions of Certification and the project description. The project owner shall establish with the Commission's Compliance Manager specific performance milestones for both the initiation of construction within one year of certification and the construction phase. Before starting construction of any structure that is part of the project, the project owner shall submit evidence demonstrating that the project owner has negotiated or is negotiating one or more agreements to provide waste discharge services and SBWR reclaimed water to the project.	No later than thirty (30) days prior to the construction of any MEC facilities or structures, the project owner shall submit evidence demonstrating that the project owner has negotiated or is negotiating one or more agreements to provide SBWR reclaimed water and waste discharge services to the project.	30 days prior to start of construction	12/19/2001
GEO-1	Prior to the start of construction, the project owner shall assign to the project an engineering geologist(s), certified by the State of California, to carry out the duties required by the 1998 edition of the California Building Code (CBC) Appendix Chapter 33, Section 3309.4. The certified engineering geologist(s) assigned must be approved by the CPM (the functions of the engineering geologist can be performed by the responsible geotechnical engineer, if that person has the appropriate California license).	At least 30 days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of construction, the project owner shall submit to the CPM for approval the name(s) and license number(s) of the certified engineering geologist(s) assigned to the project. The submittal should include a statement that CPM approval is needed. The CPM will approve or disapprove of the engineering geologist(s).	30 days prior to start of construction	12/19/2001
GEO-2	The assigned engineering geologist(s) shall carry out the duties required by the 1998 CBC, Appendix Chapter 33, Section 3309.4 Engineered Grading Requirement, and Section 3318.1 – Final Reports. Those duties are: 1. Prepare the Engineering Geology Report. This report shall accompany the Plans and Specifications when applying to the CBO for the grading permit. 2. Monitor geologic conditions during construction. 3. Prepare the Final Engineering Geology Report. See GEO-2, Pg. 579 for specific requirements	Submit Grading Permit Application	Application for Grading Permit per GEO-2	9/10/2001
GEO-2	The assigned engineering geologist(s) shall carry out the duties required by the 1998 CBC, Appendix Chapter 33, Section 3309.4 Engineered Grading Requirement, and Section 3318.1 – Final Reports. Those duties are: 1. Prepare the Engineering Geology Report. This report shall accompany the Plans and Specifications when applying to the CBO for the grading permit. 2. Monitor geologic conditions during construction. 3. Prepare the Final Engineering Geology Report. See GEO-2, Pg. 579 for specific requirements	Within 15 days after submittal of the application(s) for grading permit(s) to the CBO, the project owner shall submit a signed statement to the CPM stating that the Engineering Geology Report has been submitted to the CBO as a supplement to the plans and specifications and that the recommendations contained in the report are incorporated into the plans and specifications.	15 days after submittal of application for Grading Permit per GEO-2	9/10/2001
PAL-1	Prior to the start of any project-related construction activities (defined as any construction-related vegetation clearance, ground disturbance and preparation, and site excavation activities), the project owner shall ensure that the designated paleontological resource specialist approved by the CPM is available for field activities and prepared to implement the conditions of certification. The required qualifications and duties of the specialist are given in PAL-1, Pg. 579.	At least ninety (90) days prior to the start of construction, the project owner shall submit the name and resume and the availability for its designated paleontological resource specialist, to the CPM for review and approval. The CPM shall provide written approval or disapproval of the proposed paleontological resource specialist.	90 days prior to start of construction	11/12/2001

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# METCALF ENERGY CENTER CEC CONDITIONS OF CERTIFICATION SCHEDULE MATRIX

Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date
PAL-2	Prepare Paleontologic Resources Monitoring and Mitigation Plan and submit this plan to the CPM for review and approval. After CPM approval, the project owner's designated paleontological resource specialist shall be available to implement the Monitoring and Mitigation Plan, as needed, throughout project construction. Requirements for the Monitoring/Mitigation Plan are given in PAL-2, Pg. 581.	At least sixty (60) days prior to the start of construction on the project, the project owner shall provide the CPM with a copy of the Monitoring and Mitigation Plan prepared by the designated paleontological resource specialist for review and approval. If the plan is not approved, the project owner, the designated paleontological resource specialist, and the CPM shall meet to discuss comments and negotiate necessary changes.	60 days prior to start of construction	12/19/2001
PAL - 3	Employee Training Program - Prior to the start of construction, and throughout the project construction period as needed for all new employees, the project owner and the designated paleontological resource specialist shall prepare and conduct CPM-approved training to all project managers, construction supervisors, and workers who operate ground disturbing equipment. Requirements of the training program are given in PAL-5. The project owner and construction manager shall provide the workers with the CPM-approved set of procedures for reporting any sensitive paleontological resources or deposits that may be discovered during project-related ground disturbance. Refer to PAL 3 for further details.	At least (30) thirty days prior to the start of project construction, the project owner shall submit to the CPM for review, comment, and written approval, the proposed employee training program and the set of reporting procedures the workers are to follow if paleontological resources are encountered during project construction. If the employee training program and set of procedures are not approved, the project owner, the designated paleontological resource specialist, and the CPM shall meet to discuss comments and negotiate necessary changes, before the beginning of construction.	30 days prior to start of construction	12/19/2001
GEN-2	The project owner shall furnish to the CPM and to the CBO a schedule of facility design submittals, a Master Drawing List, and a Master Specifications List. The schedule shall contain a list of proposed submittal packages of designs, calculations, and specifications for major structures and equipment. To facilitate audits by Energy Commission staff, the project owner shall provide specific packages to the CPM when requested.	At least 60 days prior to the start of rough grading, the project owner shall submit the schedule, a Master Drawing List, and a Master Specifications List to the CBO and to the CPM.	60 days prior to start of rough grading	11/12/2001
GEN-4	Prior to the start of rough grading, the project owner shall assign a California registered architect, structural engineer or civil engineer, as a resident engineer (RE), to be in general responsible charge of the project. See responsibilities noted Condition GEN-4.	At least 30 days prior to the start of rough grading, the project owner shall submit to the CBO for review and approval, the name, qualifications and registration number of the RE and any other delegated engineers assigned to the project.	30 days prior to start of rough grading	11/12/2001
GEN-5	Prior to the start of rough grading, the project owner shall assign at least one of each of the following California registered engineers to the project: A) a civil engineer; B) a geotechnical engineer or a civil engineer experienced and knowledgeable in the practice of soils engineering; C) a design engineer, who is either a structural engineer or a civil engineer fully competent and proficient in the design of powerplant structures and equipment supports; D) a mechanical engineer; and E) an electrical engineer. See Condition GEN-5 for tasks	At least 30 days prior to the start of rough grading, the project owner shall submit to the CBO for review and approval, the names, qualifications, and registration numbers of all the responsible engineers assigned to the project.	30 days prior to start of rough grading	11/12/2001
CIVIL-1	Prior to the start of site grading, the project owner shall submit to the CBO for review and approval the following: 1. Design of the proposed drainage structures and the grading plan; 2. An erosion and sedimentation control plan; 3. Related calculations and specifications, signed and stamped by the responsible civil engineer; and 4. Soils report as required by the 1998 CBC, Appendix Chapter 33, section 3309.5, Soils Engineering Report and section 3309.6, Engineering Geology Report.	At least 15 days prior to the start of site grading, the project owner shall submit the documents described above to the CBO for review and approval.	15 days prior to start of rough grading	11/12/2001

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# METCALF ENERGY CENTER CEC CONDITIONS OF CERTIFICATION SCHEDULE MATRIX

Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date
CIVIL-3	The project owner shall perform inspections in accordance with the 1998 CBC, Chapter 1, Section 108, Inspections, Chapter 17, Section 1701.6, Continuous and Periodic Special Inspection and Appendix Chapter 33, Section 3317, Grading Inspection. All plant site-grading operations shall be subject to inspection by the CBO and the CPM. If, in the course of inspection, it is discovered that the work is not being done in accordance with the approved plans, the discrepancies shall be reported immediately to the resident engineer, the CBO, and the CPM. The project owner shall prepare a written report detailing all discrepancies and non-compliance items, and the proposed corrective action, and send copies to the CBO and the CPM.	The project owner shall perform inspections in accordance with the 1998 CBC, Chapter 1, Section 108, Inspections, Chapter 17, Section 1701.6, Continuous and Periodic Special Inspection and Appendix Chapter 33, Section 3317, Grading Inspection.	Start of Rough Grading	11/12/2001
Governor's Executive Order No. D-25-01	Milestones, and method of verification must be established and agreed upon by the project owner and the CPM no later than 30 days after project approval, the date of docketing. If this deadline is not met, the CPM will establish the milestones.	ESTABLISH PRE-CONSTRUCTION MILESTONES TO ENABLE START OF CONSTRUCTION WITHIN ONE YEAR OF CERTIFICATION  1. Obtain site control. 2. Obtain financing. 3. Mobilize site. 4. Begin rough grading for permanent structures (start of construction)	Project Certification	10/24/001
Governor's Executive Order No. D-25-01	Milestones, and method of verification must be established and agreed upon by the project owner and the CPM no later than 30 days after project approval, the date of docketing. If this deadline is not met, the CPM will establish the milestones.	ESTABLISH CONSTRUCTION MILESTONES FROM DATE OF START OF CONSTRUCTION  1. Begin pouring major foundation concrete. 2. Begin installation of major equipment. 3. Complete installation of major equipment. 4. Begin gas pipeline construction. 5. Complete gas pipeline interconnection. 6. Begin T-line construction. 7. Complete T-line interconnection. 8. Begin commercial operation.	Project Certification	10/24/2001
US Dep Commerce	The project applicant shall notify the NMFS Santa Rosa office when project construction begins and ends. (horizontal drilling)	Notify NMFS	Start of Rough Grading	11/12/2001
Pre-mob matrix	Prior to commencing construction a compliance matrix addressing only those conditions that must be fulfilled before the start of construction shall be submitted by the project owner to the CPM. This matrix will be included with the project owner's first compliance submittal.	Construction shall not commence until the pre-construction matrix is submitted, all pre-construction conditions have been complied with, and the CPM has issued a letter to the project owner authorizing construction.	Start of Construction	12/19/2001

**PUBLIC INFORMATION CALL LOG**

METCALF ENERGY CENTER  
MONTHLY COMPLIANCE REPORT #1

# MEC PUBLIC INFORMATION CALL LOG (408) 463-8008

DATE/TIME	NAME & CONTACT	PURPOSE OF CALL/CONTACT	ACTION/RESOLUTION
9/25/01 10:00 PM	N/A	General opposition to project	Report to Police Dept: Traps & Tra
9/28/01 12:00 AM	Desmond, Owner of Motorcycle shop adjacent to Project Site	Concerned about increase dust due to work to raise the railroad tracks for the site access rd @ Blanchard Rd	Calpine committed to watering the roads as needed to reduce any increase in dust.
9/28/01 12:20 PM	Mr. Jim Fin, Resident, (408) 224-3131	Local resident would like additional information on how water will be transported to the project via ground wells or pipeline?	Explained that recycled water will be used via a city recycled water pipe that will be built to the site. No process water from the plant will go into Fish Creek and it will have no effect on potable drinking water.
11/1/01 9:37 AM	Mr. Curt Fuller, Contractors Cargo, (310) 609-1957	Interested in bidding on job to transport heavy materials such as, HRSG & Turbines	Submitted contractor's name to Bechtel's subcontracts manager, J. Rokosh. Contractor will be included on the bidder's list.



**STATUS OF CBO SUBMITTALS**

**METCALF ENERGY CENTER  
MONTHLY COMPLIANCE REPORT #1**

STATUS OF CBO SUBMITTALS FOR PERIOD ENDING OCTOBER 31, 2001

CBO Number	Rev	Document Title	Approved/ Comments	Open/ Closed	Date Comment Ltr	Actual to CBO
CIVIL-1	0	TECHNICAL SPECIFICATION FOR EARTHWORK, GRADING AND STRUCTURAL BACKFILL		OPEN		10/22/01
STRUC-1	0	FURNISHING AND DELIVERING READY-MIX CONCRETE		OPEN		10/19/01
GEN-2	0	CONCRETE WORK		OPEN		10/19/01
GEN-2	0	EMBEDDED STEEL AND ANCHOR BOLTS		OPEN		10/19/01
GEN-2	0	PURCHASE AND FABRICATION OF REINFORCING STEEL		OPEN		10/19/01
STRUC-1	0	CONCRETE AND EARTHWORK TESTING SERVICES		OPEN		10/19/01
CIVIL-1	0	SITE PLAN	Comments	CLOSED	9/18/2001	8/27/01
CIVIL-1	1	SITE PLAN	Approved	CLOSED	N/A	10/15/01
CIVIL-1	0	CONSTRUCTION FACILITIES	Comments	OPEN	9/18/2001	8/27/01
CIVIL-1	0	PLOT PLAN	Comments	OPEN	10/26/2001	9/18/01
CIVIL-1	0	STORM WATER PIPING PLAN	Comments	CLOSED	9/18/2001	8/27/01
CIVIL-1	1	STORM WATER PIPING PLAN	Comments	OPEN	10/26/2001	10/10/01
CIVIL-1	0	CLEARING, STRIPPING, AND STOCKPILE PLAN	Comments	CLOSED	9/18/2001	8/27/01
CIVIL-1	1	CLEARING, STRIPPING, AND STOCKPILE PLAN	Approved	CLOSED	N/A	10/19/01
CIVIL-1	0	EROSION CONTROL DETAILS	Comments	CLOSED	9/18/2001	8/27/01
CIVIL-1	1	EROSION CONTROL DETAILS	Approved	CLOSED	N/A	10/19/01
CIVIL-1	0	DRAINAGE DETAILS	Comments	CLOSED	9/18/2001	8/27/01
CIVIL-1	1	DRAINAGE DETAILS	Comments	OPEN	10/26/2001	10/10/01
CIVIL-1	0	ROUGH GRADING DETAILS	Comments	CLOSED	9/18/2001	8/27/01
CIVIL-1	1	ROUGH GRADING DETAILS	Approved	CLOSED	N/A	10/19/01
CIVIL-1	0	DRAINAGE HEADWALL DETAILS	Comments	CLOSED	9/18/2001	8/27/01
CIVIL-1	1	DRAINAGE HEADWALL DETAILS	Approved	CLOSED	N/A	10/19/01
CIVIL-1	0	ROUGH GRADING SECTIONS	Comments	CLOSED	9/18/2001	8/27/01
CIVIL-1	1	ROUGH GRADING SECTIONS	Approved	CLOSED	N/A	10/19/01

STATUS OF CBO SUBMITTALS FOR PERIOD ENDING OCTOBER 31, 2001

COC Number	Rev	Document Title	Approved/ Comments	Open/ Closed	Date Comment Ltr	Actual to CBO
CIVIL-1	0	RETAINING WALL PLAN, PROFILE AND DETAILS	Comments	CLOSED	9/18/2001	8/27/01
CIVIL-1	1	RETAINING WALL PLAN, PROFILE AND DETAILS	Comments	OPEN	10/26/2001	10/10/01
CIVIL-1	0	ROUGH GRADING PLAN PHASE 1	Comments	CLOSED	9/18/2001	8/27/01
CIVIL-1	1	ROUGH GRADING PLAN PHASE 1	Approved	CLOSED	N/A	10/15/01
CIVIL-1	2	ROUGH GRADING PLAN PHASE 1	Approved	CLOSED	N/A	10/19/01
CIVIL-1	3	ROUGH GRADING PLAN PHASE 1		OPEN		10/25/01
CIVIL-1	0	ROUGH GRADING PLAN PHASE 2	Comments	CLOSED	9/18/2001	8/27/01
CIVIL-1	1	ROUGH GRADING PLAN PHASE 2	Approved	CLOSED	N/A	10/19/01
CIVIL-1	0	MAIN ACCESS ROAD PLAN AND PROFILE	Comments	CLOSED	9/18/2001	8/27/01
CIVIL-1	1	MAIN ACCESS ROAD PLAN AND PROFILE	Approved	CLOSED	N/A	10/19/01
CIVIL-1	0	RAILROAD PLAN AND PROFILE	Comments	CLOSED	9/18/2001	8/27/01
CIVIL-1	1	RAILROAD PLAN AND PROFILE	Approved	CLOSED	N/A	10/19/01
CIVIL-1	0	DESIGN OF REINFORCED CONCRETE RETAINING WALL	Comments	OPEN	10/26/2001	10/10/01
CIVIL-1	1	EROSION AND SEDIMENT CONTROL AND STORM WATER MANAGEMENT PLAN	Comments	CLOSED	9/18/2001	8/27/01
CIVIL-1	2	EROSION AND SEDIMENT CONTROL AND STORM WATER MANAGEMENT PLAN	Approved	CLOSED	N/A	10/19/01
CIVIL-1	0	ENGINEERING GEOLOGY REPORT	Comments	OPEN	9/18/2001	8/27/01
CIVIL-1	0	PRELIMINARY STORM WATER MANAGEMENT BASIN SIZING CALCULATION	Comments	OPEN	9/18/2001	8/27/01
CIVIL-1	0	STORM DRAIN SYSTEM DESIGN	Comments	CLOSED	9/18/2001	8/27/01
CIVIL-1	1	STORM DRAIN SYSTEM DESIGN	Comments	OPEN	10/26/2001	10/10/01
CIVIL-1	0	SUBSURFACE INVESTIGATION AND FOUNDATION REPORT	Comments	OPEN	9/18/2001	8/27/01
MECH-1	B	P&ID FIRE PROTECTION SYSTEM		OPEN		10/31/01
MECH-1	B	P&ID FIRE PROTECTION SYSTEM		OPEN		10/31/01

COC Number	Rev	Document Title	Approved/ Comments	Open/ Closed	Date Comment Ltr	Actual to CBO
MECH-1	B	P&ID DOMESTIC WATER SYSTEM		OPEN		10/31/01
MECH-1		P&ID SANITARY WASTE SYSTEM				
MECH-1	1	P&ID SYMBOLS AND LEGENDS		OPEN		10/31/01
MECH-1	1	P&ID SYMBOLS AND LEGENDS		OPEN		10/31/01
MECH-1	1	P&ID SYMBOLS AND LEGENDS		OPEN		10/31/01
MECH-1	1	P&ID SYMBOLS AND LEGENDS		OPEN		10/31/01
MECH-1	1	P&ID SYMBOLS AND LEGENDS		OPEN		10/31/01
GEN-2	1	BECHTEL CBO SUBMITTAL LIST		OPEN		10/17/01
GEN-2		BECHTEL CBO SUBMITTAL LIST	Comments	CLOSED	10/16/2001	9/28/01
GEN-2		PROPOSED LIST OF DOCUMENTS FOR THE CTG, STG, AND CONDENSER EQUIPMENT FOR SIEMENS WESTINGHOUSE	Comments	OPEN	9/28/2001	9/13/01
GEN-5		BIOLOGICAL SUMMARY AND ACCREDITATION OF Mr. JAMES THOMPSON FOR SIEMENS- WESTINGHOUSE	Approved	CLOSED	N/A	9/5/01
CIVIL-1		MR. KIT YIN NG, RPE CIVIL DRAINING/ERSION CONTROL	Approved	CLOSED		8/3/01
GEN-4		MR. ARTHUR B. BUTIC, RESIDENT CIVIL ENGINEER	Approved	CLOSED		8/1/01
GEN-5		MR. THOMAS FRANKERT, CIVIL ENGINEER	Approved	CLOSED		8/1/01
GEN-5		MR. MAHANDRA R. GANDHI, ELECTRICAL ENGINEER	Approved	CLOSED		8/1/01
GEN-5		MR. DEV CHATTOPADHYAY, MECHANICAL ENGINEER	Approved	CLOSED		8/1/01
GEN-5		MR. IGNACIO ARRANGO'S RESUME, GEO TECH ENGINEER	Approved	CLOSED	N/A	9/4/01
GEN-6		MR. DAVID GRAY'S RESUME FOR SIEMENS WESTINGHOUSE	Approved	CLOSED	N/A	9/4/01
GEN-6		MR. JOHN NELSON AND ROMAN REYES, CIVIL ENGINEER RESUMES	Approved	OPEN	N/A	9/28/01